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THE UNIVERSITY OF ALBERTA

Parliament and the Politics of Provision: Statutes and Scarcity Between 1766 and 1770

by

Richard Travanion Connors

A THESIS

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research, for acceptance, a thesis entitled PARLIAMENT AND THE POLITICS OF PROVISION: STATUTES AND SCARCITY BETWEEN 1766 AND 1770 submitted by RICHARD TRAVANION CONNORS in partial fulfilment of the requirements for the degree of MASTER OF ARTS.

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Date 26. vi. 89.

Abstract

In the 1760s the official response by politicans at Westminster to the persistence of scarcities of provisions and in particular, corn, was embodied in the passage of statutes which sought not only to alleviate dearth, but also to reflect the consciousness of the political élite of its place within a traditional, patriarchal and deferential society. In doing so, parliament actively participated in preserving, what historians have termed a moral economy of provision, by interfering with the mechanism of the Hanoverian market-place.

What emerges from an investigation of the debates at Westminster on dearth related legislation is a wealth of information on social assumptions in eighteenth-century England. The politicians' efforts, through the adoption of statute law, reflect a realization that the state had a responsibility for the welfare of the people. An examination of the writings of the principal politicians in both Houses of Parliament reveals that a collective conscience and fear of the threat of scarcity motivated them into taking measures to relieve distress. This world view transcended party-political or factional boundaries in parliament and enhanced the interventionist capacities of the eighteenth century English state on behalf of the lower orders.

This thesis examines how a subsistance crisis in the late 1760s forced the political élite to bring into the open its views on the role of the state in times of disturbance and scarcity and traces the genesis of legislation passed by parliament to deal with

dearth in this period.

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Chapter I

Introduction: Food for Thought

'Statutes must be appreciated in terms of the social assumptions at the time of their enactment.'[1] This is the advice W.J. Jones offered historians in his insightful study on Bankruptcy legislation in Tudor England. Though Jones was primarily concerned with sixteenth century statutes, his comment has great significance for a study of the attitudes of the political élite to social welfare legislation in the eighteenth century.[2] For, what Jones observed of Tudor statutes is equally identifiable within Hanoverian society. The parliamentary behavior of the political élite at Westminster in the late 1760s was determined not only by self-interest, but also by its perceptions of its patriarchal role within eighteenth century society. Therefore, an investigation of social welfare legislation would, as Jones has intimated, shed light upon the motives of the politicians responsible for its passage. In an attempt to show that the politicians in Westminster were not merely motivated by self-interest, but also by definite perceptions of moral responsibility, this study will concentrate upon legislation dealing with the corn trade. Though the corn trade has been the focus of a considerable number of historical studies, few have concentrated upon the role of the political élite in the corn market crises that gripped England in the first decade of

dimension into the debate by providing a detailed examination of Parliament's policy towards, and the subsequent legislation that affected, the corn market. This study will, through necessity focus upon the political arena at Westminster and Parliament's attempts to alleviate dearth and to prevent food or grain riots. However, this analysis will also reveal the broader and more complex nature of the genesis of what scholars have come to term, the moral economy of eighteenth century England.[4]

This research provides a new approach to the standard interpretations and the methodology offered in the field of Hanoverian history on the concept of the moral economy. However, before embarking on a detailed investigation of the role of the political élite in the formulation of social welfare legislation and the preservation of the moral economy, it is essential to explain how the material already available on the eighteenth century corn trade and the riotous assemblies precipitated by corn scarcity has resulted in producing a shallow understanding of what motivated the spasmodic legislative intervention by Westminster into the grain supply.

In 1971 Edward Thompson, a noted scholar produced a study on the moral economy which argued that the economy of provision in eighteenth century England was based upon traditional, paternal and communal laws of concensus. Thompson's work had an immediate impact upon the scholarship of Hanoverian society. The brilliance of the study cannot be overstated, but

unfortunately his thesis and its overwhelming initial acceptance submerged useful discussions about the role of the political élite within a moral economy of provision. Attempts to incorporate Westminster or even local authorities into the moral economy thesis were relatively unsuccessful in the face of Thompson's impressive research and the ideological climate that sought to direct historical research from the bottom-up.

For example, in his study English Hunger and Industrial Disorders, W.J. Shelton observed that the ruling élite initally encouraged the mobs during the hunger riots of 1766.[5] Though this statement was not a great revelation to Hanoverian historians, the significance of Shelton's comment has gone unnoticed. This is not surprising when it is taken into account that Shelton's book appeared only two years after E.P. Thompson's offering in Past and Present on 'The Moral Economy of the English Crowd in the Eighteenth Century'. It seems doubtful that any contribution to the literature available on the mob and grain riots, such as Shelton's, could have made, in the shadow of Thompson's tour de force, an impression on the historical community. The fact that little has been written, since Shelton, on the role of the ruling élite, and particularly Westminster politicians in dealing with the national food supply and more specifically with the grain market, is an indication of the narrow perspective historians have employed to investigate the effects that dearth and localized grain riots had upon Hanoverian society. Studies of

dearths and riots, caused by regional fluctuations in the corn market, have remained almost exclusively within the domain of the social historian. By concentrating on the faces in the crowd, historians have contributed a great deal to our understanding of eighteenth century society, but by neglecting the considerations of the political élite they have simplified and understated the complex socio-economic and political developments that took place in the late 1760s.

As Shelton indicated, while not explicitly recognizing, perhaps as a result of methodological assumptions, the role of and the sanction by the political élite in the riotous events of the 1760s was of crucial if not paramount significance to the development of an informal national policy to supervise the provision of foodstuffs for the populace and prevent dearth.

Analysis of the corn market crises of the late 1760s has produced two schools of thought, evident from contemporary political debates, and it is from these contemporary statements that much of the later historical interpretations has gained their impetus and justification. Both of these schools, the reductionist school; which has observed the behavior of the rioters as radical and essentially destructive; and the more recent empirical school; which has determined that the rioters were behaving within the acceptable parameters of a society based on a traditional and paternalistic moral economy, have assisted in directing the focus of research away from the activities of Westminster.

The reductionists have argued that the riots were merely physiological rebellions of the belly based upon the Pavlovian instincts of the hungry. T.S. Ashton simply wrote off the activities of food rioters as 'the instinctive reaction of virility to hunger.'[6] Max Beloff expanded upon this theme in Public Order and Popular Disturbances, 1660-1714 when he noted that high food and corn prices in particular, as well as regional unemployment during the early eighteenth century made life so unbearable for the lower orders that their only recourse, namely the food riot, often 'degenerated into mere excuses for crime.'[7] Not only did the reductionists argue that biological responses to hunger motivated the mobs, but that the authorities, both locally and at Westminster, were justified in their use of force and coercion to re-establish and maintain social control. Imbued with a thorough going whig mentalité, proponents of the reductionist school such as Ashton, Beloff and Rostow took their inspiration from the work of nineteenth century whig scholars, like G.O. Trevelyan, that economic development in the face of poverty was beneficial to the English nation as a whole.[8] Inherent in this interpretation of events is the belief in the merits of free trade and a capitalist society of the sort originally expounded by Adam Smith in the late eighteenth century.[9] To historians like Ashton, the destruction of a static patriarchal society and a moral economic system by the growing waves of industrialization was a mere link in a chain of progressive events in the history

of the English nation.

To strengthen their whig interpretation of the eighteenth century, the reductionists relied heavily upon the pioneering works of N.S.B. Gras and D.G. Barnes. In Gras's Evolution of the English Corn Market and Barnes's, A History of the English Corn Laws, the reductionists seized upon the economic dynamism reflected in such texts. The reductionists neglected to consider the crucial administrative and legislative passages that both Gras and Barnes had incorporated into their studies.[10] Therefore, in the hands of the reductionists, the involvement of the political élite, during the tumultuous events of the 1760s' food riots, and intervention in the corn market was thrust into the background and not considered as worthy of serious research.

Moreover, the rise of the discipline of social history did not challenge the reductionists for their inability to incorporate all of the social orders within their economic reductionist model of eighteenth century England. However, social historians, writing in the late 1960s produced not only new interpretations of eighteenth century society, but also a new school of thought, the empirical school, on the economic and social upheaval of the 1760s.

The empiricists, awakened by the work of George Rudé to crowds and mobs, and inspired by the contributions of E.P. Thompson to social history, began the still ongoing task of collecting data on the decline of a patrician mentalité in the

late eighteenth century. Rudé, in The Crowd in History 1730-1848, noted in two chapters on English eighteenth century urban and rural riots, that the rioters had distinct and defined perceptions as well as generalized beliefs about the impact of their behaviour on society.[11] In the hands of E.P. Thompson, this fledgling theory became the detailed and brilliant thesis of the moral economy. Thompson argued in his impressive study of food disturbances, that the eighteenth century corn riot was a rational and legitimate response by the lower orders to threats caused by the formation of a national market economy upon a paternal and deferential society.[12] This rising market economy undermined an old moral economic system that 'was grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together ... [constituted] the moral economy of the poor'[13] From Gras, Thompson gleaned the background on the place that Statute law had within the paternalist model. Furthermore, Gras also supplied the information on the relationship between the middleman and the mob that became a crucial element in Thompson's moral economy thesis.[14]

Moreover, R.B. Rose's 1961 article 'Eighteenth Century Price Riots and Public Policy in England,' gained new importance as a result of Thompson's research. Rose's work built on Barnes' statement that 'the government was sensitive [in the eighteenth century] to public opinion as expressed in

grain riot.'[15] Rose came to the conclusion that at Westminster the riots reinforced arguments made by members of Parliament who remained convinced that a balance between the interests of the producer and consumer were needed to guarantee public order. This 'policy of provision' was needed in an age when the abilities of government to use coercive tactics were almost nonexistant. The repressive forces of government were very limited and scattered.[16]

Though Thompson chose not to focus upon the impact of the political élite on the structural metamorphosis in the economy of late eighteenth century England, he did note that Tudor Statutes of a traditional and paternal nature, like the Assize of Bread and the Books of Orders, did reappear, but had a limited impact on the availability of corn for the lower orders in times of dearth. This argument strengthened his claim that the crowds sought, and in some cases gained, a return to the traditional moral economic processes their riotous behavior demanded.

Thompson's work had a significant effect on the study of both Georgian society and its economic development. Research by A.W. Coats proved particularly important to historical interpretations of poverty and economic change in England between 1660 and 1782. In an article published in 1976, Coats sought to examine non-violent societal responses to economic change. He concluded that the behavior of the poor was 'largely a defensive reaction designed to preserve the higher

living standards which many had enjoyed during the previous period.'[17] Coats also agreed with Thompson that the response of the lower orders to dearth was not merely based on biological responses to hunger and that underlying conceptions of justice, a fair price and a 'moral economy of provision' did motivate the mobs.[18]

The next studies that dealt with the moral economy of the 1760s and food riots were Shelton's English Hunger and Industrial Disorders and his summary article that appeared in the periodical, Albion.[19] Despite criticism from other empiricists, specifically Thompson, it should be noted that Shelton did at least broach the historiographical impasse on the role of the ruling élite in the hunger riots of 1766. Though his conclusions neglected the élite's use of legislation, his assumptions did contribute to the scholarship on the role of the local authorities in the counties, and aspects of the moral economy issue that had only received superficial attention from E.P. Thompson. However, Shelton's failure to assimilate Westminster into his study was overshadowed by criticism that his thesis was weakly supported by primary sources and that the sources he had used had been mined for evidence. These weaknesses in Shelton's work spawned a number of studies into the riots of 1766. The most significant of these have been written by Dale Williams and Adrian Randall.[20] In the process of researching regional records, both of these scholars began the ongoing task of

testing and elaborating upon Thompson's moral economy thesis. While proving that Thompson's impression of the moral economy was, in general accurate, they undermined the conspiratorial vision that the eighteenth century riots were reflections of a proto-socialist revolutionary spirit.[21] Randall noted that 'the rioters had no conception of a social order other than that in which they lived, no coherent view of an alternative structure of power other than that of the rule of the landed. The rioters again and again demonstrated that they wanted no millenarian change, but a return to the just and ordered moral society of the past.'[22]

Furthermore, Randall and Williams doubted Thompson's presumption that a dialectical tension between the élite and the lower orders existed in the eighteenth century. This aspect of Thompson's work dealing with the concept of eighteenth century social dualism, has drawn considerable criticism from Peter Laslett, and, with the work of other historians of class formation, Thompson's tension thesis becomes less convincing.[23]

Moreover, recent investigations into deferential relationships between the political élite and the lower orders have undermined the historiographical approach that perceives an enduring tension between the rulers and the ruled in Hanoverian society.[24] The development of a reciprocal relationship thesis between the political élite and the lower orders has increased the need for a re-evaluation of the

attitudes held by the politicians to their responsibilities for the ruled. Historians from numerous schools of thought, Namierites and Marxists included, have readily accepted the assumption that the political élite was not answerable to the populace for its political activities at Westminster. Such a vision of political life in the eighteenth century supported the orthodox Marxist conflict and subjugation theories and it also lent strength to a structural, non-party, self-interested, or as it is known, Namierite interpretation of an insular and self-serving political élite.[25] The electoral deference argument confronted the Namierite vision of eighteenth century politics, which, based on exclusivity did not consider the legitimization of authority and the qualification of that authority by the lower orders and members of the political élite themselves. Such research raised doubts about Thompson's patron-client model of eighteenth century society.

Moreover, research into the middling sort has enhanced not only Thompson's middlemen, a group crucial to his moral economy thesis, but it has called into question the structural and static interpretations of the eighteenth century. John Brewer's study of party ideology and popular politics in the 1760s shed new light on the role of the middling sort in securing stability in a period of political and social upheaval.[26] Seizing on this theme historians, namely Dale Williams and John Stevenson began to reconsider Thompson's middlemen or badgers. Their finds have not proven completely

satisfactory, but Stevenson noted that by the passage of paternalist legislation, as seen during Grenville's administration, and proclaiming Statutes against monopolistic offenses in times of shortage, the political élite's behavior served to legitimize action by the populace against middlemen.[27] The deference model, as elaborated upon by Frank O'Gorman did, perhaps have a place in eighteenth century society. Moreover, the most prolific of the empiricists, Williams, has concluded, after his study of Midlands riots and the detailed revisionism relating to social relations between all levels of society that 'it will be necessary to describe not only the economic and social grievances of the crowd, but also the generally successful ameliorative and repressive measures taken by the authorities.'[28]

Despite the advice of Williams, no studies to date have focussed on the role of the political élite in alleviating corn scarcity and the threat of dearth. The empiricists, relying upon the impetus and general outlook of Thompson's moral economy thesis have merely applied the methodology of early modern social historians to the eighteenth century, safe in the knowledge that the place of riotous behavior within Tudor and Stuart society has been quite thoroughly analyzed. Works by Keith Wrightson, John Walter and Paul Slack stand out amongst a large number of studies which have rigourously explored the consciousness of dearth.[29] In 'Dearth and the Social Order in Early Modern England,' Wrightson and Walter were primarily

interested in societal responses to the threat and existence of famine, but they did briefly consider the behaviour of the political élite during the period of social crisis. However, their conclusion that 'the institutions of social regulation ... prompted into vigourous activity in years of scarcity both by fear of disorder and by the authorities [reflected a] sense of their own responsibility to ameliorate the crisis,' has not had an impact upon the historian's perceptions of the eighteenth century.[30] Unfortuantely, the focus on political action in the article and other political studies like Slack's work on the Books of Orders have not been satisfactorily emulated by Hanoverian scholars.

The arguments presented in the following chapters will seek to redress the historiographic imbalance that has developed. Two very recent studies have voiced notes of discord against the stagnant state of research into social reform legislation in the eighteenth century and have opened the way to an analysis of moral responsibility amongst the political élite in times of scarcity.[31] This thesis will augment the contribution of those studies to the overall debate on the moral economy by concentrating upon the relationship between the social orders and specifically analyzing the genesis of social welfare legislation at Westminster in times of dearth. The methods that social historians have employed have undoubtedly assisted them in usurping the high ground from the reductionists. However, by neglecting Parliamentary

legislation and the political élite, the empiricists have not advanced discussions of the moral economy into the political arena at Westminster. Therefore, the complex issues of social reform and the passage of statutes in the 1760s have, in the hands of the reductionists and the empiricists have not been thoroughly examined. They have turned to regional studies which are useful, but tell historians little about the relationship between the politicians and the lower orders at a national level. This study will examine the legislative decisions carried out by the political élite in their attempt to preserve the endangered moral economy of the 1760s. By approaching the moral economy debate from above, it is intended to reveal that the politicians had a clear perception of their moral responsibility for the welfare of the people. This consciousness of responsibility was best expressed by Westminster through the passage of statutes to alleviate scarcity. If the study of eighteenth century dearth is to reach a level of understanding that historians have of the convergence and overlap of seventeenth century political and social institutions, then the politician and legislation must be integrated into the moral economy thesis. This study hopes to fill the void in the historiography of the Parliament's policies on dearth that has been left by the empiricists. Moreover, this thesis will raise some questions which only further research into policies on poverty in Hanoverian society could answer. Unfortunately, as a result of limitations in

both time and space, this study will devote itself to a detailed account of the policy decisions and political events which occurred between the Embargo crisis of 1766, caused by riots and corn shortages in September and October, and the passage of the Act registering the price at which corn was sold in numerous countries in England in April 1770.

ENDNOTES

1. W.J. Jones, "The Foundation of English Bankruptcy: Statutes and Commissions in the Early Modern Period", Transactions of the American Philosophical Society, 69, 3 (1979), 59.

2. The term social welfare as used in this thesis refers to the legislative mechanisms employed by the state to ensure that the citizenry of the nation at large were provided with the necessities of life.

3. The most notable studies include: N.S.B. Gras, The Evolution of the English Corn Market; D.G. Barnes, A History of the English Corn Laws from 1660-1846; R.B. Rose, "Eighteenth Century Price Riots and Public Policy in England," International Review of Social History, 6 (1961), 277-292; E.P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," Past and Present, 50 (1971), 76-136; W.J. Shelton, English Hunger and Industrial Disorders: A study of social conflict during the first decade of George III's reign; D.E. Williams, "Midland Hunger Riots in 1766," Midland History, 3 (1976), 256-297; "Were 'Hunger' Rioters Really Hungry? Some Demographic Evidence," Past and Present, 71 (1976), 70-75; and "Morals, Markets and the English Crowd in 1766," Past and Present, 104 (1984), 56-73; J. Stevenson, Popular Disturbances in England 1700-1870; A. Charlesworth, An Atlas of Rural Protest in Britain 1548-1900; A.J. Randall, "The Gloucestershire Food Riots of 1766," Midland History x (1985), 72-93; A. Charlesworth and A.J. Randall, "Comment: Morals, Markets and the English Crowd in 1766," Past and Present, 114 (1987), 200-213.

4. The term 'moral economy' is taken from the seminal article written by E.P. Thompson, "The Moral Economy of the English Crowd ...", 78-79. Thompson argues that the economy of provision in the eighteenth century was based on traditional, paternal and communal laws of consensus.

5. W.J. Shelton, English Hunger and Industrial Disorders, 95.

6. T.S. Ashton and J. Sykes, The Coal Industry of the Eighteenth Century, 131.

7. M. Beloff, Public Order and Popular Disturbances, 1660-1714, 75.

8. Thompson, "Moral Economy," 77. Thompson discusses the attitudes of Ashton and Rostow in detail. They are in Thompson's opinion proponents of a 'spasmodic' approach.

Thompson also criticizes more recent members of this reductionist school, namely Charles Wilson, because they do not take into account the consensual and legitimizing factors that Thompson believes lent support to the activities of crowds that were merely 'defending traditional rights or customs.'

9. There is little doubt that the economic reductionist methodologies of both Ashton and Rostow, both optimistic economic historians, has influenced the tone of their investigations into the eighteenth century's dynamic economy. Both Rostow and Ashton emphatically extoll the virtues of the industrial economy that, according to Thompson destroyed the traditional moral and paternal economy of the mid-eighteenth century. For recent discussions on Adam Smith's impact upon eighteenth century economic and political thought see: D. Winch, "Science and the Legislator: Adam Smith and After", Economic Journal, 93 (1983), 501-520. Moreover, see the historiographic synthesis by D. Winch, "The Burke-Smith Problem and Late Eighteenth-Century Political and Economic Thought," Historical Journal, 28 (1985), 231-247.

10. N.S.B. Gras, The Evolution of the English Corn Market, 130-260. D.G. Barnes, A History of the English Corn Laws from 1660-1846, 38-45. Both Gras and Barnes deal with various aspects of the corn market in the eighteenth century. Gras discusses the Corn Laws and pertinent Statutes in ch. 5, middlemen in ch. 7, and the market itself in ch. 8. Barnes' third chapter is also very useful.

11. G. Rudé, The Crowd in History, 1730-1848, 64.

12. Thompson, "Moral Economy ...", 78-79.

13. Cited in Thompson, "Moral Economy ...", 79.

14. Thompson relied on Gras, Evolution of the English Corn Market, chapters five and seven as well as R.B. Westerfield, Middlemen in English Business: Particularly Between 1660 and 1760.

15. Barnes, A History of the English Corn Laws, 39-45.

16. R.B. Rose, "Eighteenth Century Price Riots and Public Policy in England," 292. Also see a discussion on the availability of the forces of repression in Sir J. Fortescue's introduction to The Correspondence of King George III, vol. II. Fortescue concludes that 'there were so few troops in the country that it was difficult to meet

the daily calls made for them by the civil magistrates,' v.

17. A.W. Coats, "The Relief of Poverty, Attitudes to Labour, and Economic Change in England, 1660-1782," International Review of Social History, 21 (1976), 109. Coats' inciteful, though dated work on eighteenth century Poor Law Policy is also useful. A.W. Coats, "Economic Thought and Poor Law Policy in the Eighteenth Century," Economic History Review, XIII, (1960), 39-51.

18. Coats, "The Relief of Poverty ...", 109.

19. For Shelton's contribution to the historiography on food riots see his English Hunger and Industrial Disorders and "The Role of Local Authorities in the Provincial Hunger Riots of 1766," Albion, 5, 1 (1973), 50-66. Criticism of Shelton can be found in E.P. Thompson's review of Shelton's English Hunger and Industrial Disorders which appeared in the Economic History Review, 27, (1974), 480-484.

20. See D.E. Williams and A. Randall's contributions as cited in footnote 2.

21. Proponents of this Marxist interpretation include Eric Hobsbawm but more importantly for this study George Rudé, as seen in The Crowd in History, c. 2.

22. A. Randall, "The Gloucestershire Food Riots," 89.

23. See E.P. Thompson, "Patrician Society, Plebian Culture," Journal of Social History, 7, 4 (1974), 382-405, and "Eighteenth Century English Society: Class struggle without class?", Social History, 3, 2 (1978), 133-165. For recent analysis of the 'class debate' in English historiography see J. Rule, The Labouring Classes in Early Industrial England 1750-1850.

24. For an excellent article on electoral deference see F. O'Gorman, "Electoral Deference in 'Unreformed' England: 1760-1832," Journal of Modern History, 56, 3 (1984), 391-429.

25. See E.P. Thomson, "Eighteenth Century English Society ..." as an example of the conspiracy thesis. For a Namierite analysis see the classic work by L.B. Namier, The Structure of Politics at the Accession of George III, 2nd ed.

26. J. Brewer, Party Ideology and Popular Politics at the Accession of George III. The work was an excellent analysis of themes that J.H. Plumb had investigated for the early Hanoverian period in his study The Growth of Political Stability in England 1675-1725. More recently the stability of England has been re-interpreted by the Namierites, see I.R. Christie, Stress and Stability in Late-Eighteenth Century Britain.

27. J. Stevenson, Popular Disturbances in England 1700-1870, 108.

28. D.E. Williams, "Were 'Hunger' Rioters Really Hungry?", 75.

29. For works by these early modernists see K. Wrightson and J. Walter, "Dearth and the Social Order in Early Modern England," Past and Present, 71 (1976), 22-42. J. Walter "Grain Riots and Popular Attitudes to the Law: Maldon and the crisis of 1629", in J. Brewer and S. Styles (Eds.), An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries, 47-84. Works by K. Wrightson include English Society 1580-1680 and "Two concepts of order: justices, constables and jurymen in seventeenth-century England", in J. Brewer and J. Styles (Eds.), An Ungovernable People ..., 21-46. See P. Slack, "Books of Orders: The Making of English Social Policy, 1577-1631," Transactions of the Royal Historical Society, 30 (1980), 1-22. P. Slack, Poverty and Policy in Tudor and Stuart England. Also see, R.B. Outhwaite, "Food Crises in Early Modern England: Patterns of Public Response," Proceedings of the Seventh International Economic History Congress, (1978), 367-374 and R.B. Outhwaite, "Dearth and Government Intervention in English Grain Markets, 1590-1700," Economic History Review, 33, 3 (1981), 389-406.

30. K. Wrightson and J. Walter, "Dearth and the Social Order ... ", 41.

31. See P. Lawson, "Parliament, The Constitution and Corn: The Embargo Crisis of 1766," Parliamentary History, 5 (1986), 17-37. The second important study is Paul Slack's recent analysis Poverty and Policy in Tudor and Stuart England which makes it evident that a detailed study of Hanoverian social reform policy is needed as a result of the fact that Slack concludes that the social reform structure of the Stuart period was a machine capable of growth. See chapter 8, 'The Growth of Social Welfare,' 162-187.

Chapter II

Salus Populi and the Politicians

When the House of Commons was prorogued on 6 June 1766, there was no evidence to indicate that the nation would be thrown into a vicious cycle of corn riots and a complex constitutional crisis before Parliament reconvened in November. Though the manifestation of political instability, namely faction, was a persistent problem in the 1760s, the summer recess did not seem to reflect any particularly ominous signs of scarcity as politicians retired to their county seats. However, before they would return to Westminster, Rockingham's administration would fall, to be replaced by a ministry led by the Earl of Chatham and the country would be gripped by a shortage of grain that would facilitate the use of royal prerogative, through the dispensing power in order to activate an informal welfare mechanism that had been in place since the Tudor period.

The machinations of the politicians in the summer of 1766 have been thoroughly explored by historians, and have, in many ways, overshadowed the constitutional crisis over corn that unfolded in the autumn.[1] The collapse of the Rockingham ministry in July; a result of the departures of the Duke of Grafton in April, and Jeremiah Dyson and Lord Eglington in June, heralded a summer of poor weather and political intrigue which distracted Westminster from the growing fears amongst the

populace about the scarcity of corn. Therefore, 'while the attention of the great world was fixed on the political revolution, the people labored,' as the diarist Horace Walpole put it, 'under the dearness of corn and the apprehension of famine.'[2] However, it was not until the beginning of September that the shortages of corn became known to the ministry in London.

The first indication that the inclement winds of summer were turning into a political and constitutional storm over corn shortages was in a letter received by the Secretary of State, the Earl of Shelburne from the Lord Mayor of London. The Lord Mayor's appeal for immediate action to alleviate the corn shortage, constituting a ban on the exportation of wheat and wheat-flour, was then forwarded to the King on the second of September.[3] Shelburne, in turn, met with the Duke of Grafton, the First Lord of the Treasury and members of the Privy Council to discuss the options open to the ministry. Chatham was not present for these discussions because he was recovering from an illness that had driven him to Bath to take the waters. This absence did not pose a serious problem because it seems clear that both Shelburne and George III had already anticipated the need of placing an embargo upon corn through the use of the monarch's prerogative. Evidence of this anticipated policy decision can be found in a note that George III sent to Shelburne before noon on the second. The King indicated to Shelburne that he was entirely convinced by the

Lord Mayor's letter of the immediate necessity to prohibit the exportation of corn and asked Shelburne to ensure that Council prepared a proclamation to do so, and have it ready for his signature on the third.[4]

Despite growing signs that a corn crisis, which required ministerial guidance in the corn market, was developing, the proclamation demanded by the King was not immediately forthcoming from the Privy Council. The reasons for which were soon apparent to everyone. The King had thought that his council would find, in the act (6 Geo III, c. 5) a clause enabling him to extend an embargo on corn without the necessity of calling parliament. Thus, when he demanded the proclamation, George III presumed that the legislation passed by the Rockingham administration had incorporated a constitutional safety mechanism should the state of the nation demand an extention of the act (6 Geo III, c. 5) while parliament was prorogued. However, when the 'Lord Privy Seal and Secretary of State went to statute books before unopened, not dog-eared, ... [they] ... made the amazing, astonishing discovery, that the act of parliament of last session gave no power to the King and council to prolong the prohibition.'[5]

The Council had expected to find an enabling act similar to that which the Grenvilles had included in (5 Geo III, c. 32) whose preamble stated that the act enabled 'his Majesty, with the advice of his privy council, to prohibit the exportation of wheat, wheaten meal, flour, bread biscuit and

starch during the next recess of parliament, at such time and in such manner as the necessity of the time may require, and he, in his wisdom shall think convenient and needful.'[6] Clearly, the foresight shown by Grenville in 1765 was not present in the policy decisions of the Rockingham ministry in 1766.

Faced with an obvious and increasing national crisis, the Chathamite ministers clearly chose not to induce a constitutional crisis upon a two month old administration. Therefore, the matter was 'laid aside for some days,' perhaps in the hope that the crisis would alleviate itself.[7] However such hopes proved futile. On 8 September, the price of wheat reached 48s 3d at Bear-key, which was a corn market considered to be a national 'barometer for plenty and scarcity.'[8] In reaction to such news, the Council, rather than prohibiting the exportation of corn, merely issued on 10 September, a proclamation against forestalling, which was the practice of going out beyond the borough or market town to buy goods coming to market.[9] Whether or not a report of the committee considering the laws regulating the corn trade, that had been given by Sir Joseph Mawbey in April 1766, which emphasized that middlemen who hoarded corn were a specific cause of scarcity, was partially responsible for the proclamation against forestalling is unclear.[10] However, the effect of the proclamation is not. The act was seen as a justification for the mobs in their attacks upon millers, merchants and corn

dealers.[11] The act can be construed as a means of deflecting rising antagonism in the counties against the middlemen and away from the local authorities. However, such a proclamation had little success in settling a crisis that had grown in national scope and in the severity of its violence.

Two weeks of indecision, that precipitated rioting throughout the country but specifically in the South-west, was finally dealt with by Henry Seymour Conway, the Northern Secretary, when he informed George III on 20 September 1766 that the present crisis was becoming desperate.[12] As a result of the excessive price of corn, the rioting had become widespread and it was imperative for a Committee of the Council, scheduled to meet on 24 September to 'take some strong measure for preventing the free exportation of corn and flour.'[13] Despite warnings from his principle law officers, Lords Camden and Northington, that the dispensing of law or use of a dispensing power without parliamentary approval was in contravention of the Bill of Rights, George III proceeded to advise Conway to take any measures necessary because 'great evils require at times extraordinary measures to remove them.'[14] Therefore, the King was suitably pleased when Conway reported on 24 September that the 'Prohibition on the Exportation of Corn was unanimously resolved in the Committee of Council' and that a Proclamation would be prepared for his signature by the 26th.[15] Thus, nearly four weeks had expired since the plea from the Lord Mayor of London before an embargo was placed upon the

exportation of corn by an Order in Council on Friday, 26 September 1766.

The delay was a result of the reservations held by Camden and Northington that an embargo was unconstitutional because it was an excessive use of royal prerogative. It is rather surprising that Camden, the Lord Chancellor and Northington, the Lord President would so vehemently object to such a plan. Both men seem to have been far more constitutionally and politically astute than historians have portrayed them.[16] George III was well aware of the discordant opinion of both men. The King informed Shelburne on 23 September that he expected that Lord Chancellor Camden would be of 'the opinion of not presuming to prohibit it [the exportation of corn],' and that Lord President Northington would 'corroborate it [Camden's opinion].'[17] Despite the awareness by Camden and Northington of the constitutional issue, there were no objections to the proposal in Council on the 24th; though Northington, in a symbolic protest against dispensing power, chose not to attend the meeting. In spite of this tension, the ministry's program to alleviate the scarcity of provisions and suppress rioting was vigorously pursued after 26 September 1766.

In retrospect, the policy of the government seems, from the outset of the crisis to have been based on a traditional and paternal mentalité, characteristic of the seventeenth century, that aimed to alleviate social evils through administrative intervention. Paul Slack has pointed out in his

recent study, Poverty and Policy in Tudor and Stuart England, that the Council pursued a policy under royal prerogative in order to restrict and when possible eliminate the 'social distress and dislocation caused by plague and dearth.'[18] Such a policy was followed by Council, Slack argues, from the reign of Henry VIII until the demise of Charles I. A similar principle of purpose lies behind the embargo policy of 1766. Intervention by the central administration in London was a traditional and expected result in times of distress. The process by which petitions were made to Westminster by local authorities reflects a formal interventionist program that was well established by the eighteenth century.

The intervention of the state in times of dearth was reliant upon the flow of information from local authorities to Westminster. The local authorities clearly perceived the existence of a highly organized process of intervention and their behavior reflects such an awareness. The interventionist structure was based upon the reaction of local authorities, particularly; mayors, justices and aldermen to immediate distress in the regions under their influence.

Petitions were a link between the local and central authorities, and one mechanism that brought into play the traditional, administrative machinery. A typical petition, presented to the House of Commons on 12 November 1766 by the Mayor, Justice and Aldermen of Taunton, Somerset stated that the distress felt in the region 'occasioned by the high price

of all sorts of provisions' was very serious and they entreated 'the house, to grant such relief as may be thought necessary.'[19] Petitions relating to dearth were taken very seriously in the 1760s, and were always referred to a Committee of the Whole House. In the 1760s, before an accurate measure for considering the price of corn had been established, the petition was a highly valuable indicator for Westminster in assessing the state of the nation.

Therefore, when the petitions began to flow to Westminster in the autumn of 1766, the reaction of both the king and members of Chatham's ministry was that the concerns of the local authorities required immediate attention. Letters, like the one Shelburne received from the Lord Mayor of London were taken seriously, but it is apparent that it took a petition, delivered to the king by two Sheriffs of London from the Lord Mayor and his Aldermen to force the immediate consideration of an embargo. Once the formal mechanism of the petition made its appearance in September of 1766, the ministry, despite its fears of a constitutional hiatus, was determined to set the machinery of state interventionism into motion.[20] Failure to do so would, as Chatham noted, prove his ministry 'guilty of neglecting the public safety.'[21]

This remark is particularly revealing, and, perhaps, best encapsulates the policy of the Chatham ministry. Public safety was deemed more sensitive an issue than observing the constitutional tenets of the Bill of Rights. The

administration and the king would later defend their enactment of the embargo as being 'so necessary to the sustenance of the poorer sort.'[22] Necessity was, in the face of scarcity the motive for action. Such a policy was, at the time, not only expedient in terms of the state of the nation, but also expected. Confronted by dearth, it seemed and proved doubtful that many politicians, even in a period of factious political instability, would exploit a constitutional crisis for political gain when a moral responsiblity for the lower orders existed. Failure to live up to the traditional expectations embodied in the moral economy would undermine the position of the political élite in a tightly stratified society. Time proved Chatham's intervention on behalf of the lower orders to protect the moral economy the correct policy.

Public safety may have been the motive behind the embargo, but it was public security that determined the methods used by the authorities to prevent the riotous mobs from destroying property. The riots that spread across England that autumn were seen as lawless breaches of the king's peace and a threat to the existing social order. The responsibility to quash this open disrespect for, and defiance of the law fell upon the Northern Secretary, Conway and the Secretary at War, Lord Barrington. As accounts of riots became known, the ministry turned to the only effective means of maintaining the peace, the use of troops. Historians have presumed that the political élite's natural reaction to riotous and disruptive behavior by

the lower orders was to use force. The strength of law has, in this conspiratorial interpretation, come to be seen as an instrument in eighteenth century society which 'enforced the division of property by terror.'[23] There can be little doubt that the stature and ritual of the quarter sessions and the forbidding impressiveness of a troop of dragoons on parade would intimidate the commoner. However, the availability of a repressive force, in the absence of a police force or a large standing army makes it doubtful that a deterrent factor influenced the behavior of the lower orders in the localities. As the riots and tumults spread throughout the midlands in September 1766, it became increasingly evident that despite efforts by the Secretary-at-War to subdue the rioters by force, it was the results of the embargo and not the army that would pacify the people.

However, once the Privy Council had decided to prevent the exportation of corn on 24 September 1766, Barrington and Conway acted quickly to guarantee that the rioters did not damage property or continue to cause unrest in the counties. On 25 September Barrington gave orders 'for all the regiments of dragoons and infantry in South Britain to give assistance to the civil magistrates upon requisition in case of any riots.'[24] In spite of an action that amounted to mobilization, the repressive arm of governance was not able to quell the riotous behavior. On 2 October, Conway wrote to the Duke of Marlborough complaining that 'the mobs have become daily more

numerous and insolent from a want of strength or due exertion of the civil power.'[25] Conway went on to note that the forces available to the government were, as a consequence of the call by local authorities from all over the midlands for troops, not great enough to meet the needs to keep the peace. Lord Barrington made similar overtures to the Earl of Buckinghamshire when he informed the Earl that he would be unable to send troops demanded by the Mayor of Norwich. Barrington concluded that '30,000 more [troops] at least [were needed] to keep the mob of this country in order.'[26]

The use of troops by the local authorities was not as effective, at least when dealing with the riots of 1766 as has been assumed. However, the central policy of the Chatham ministry was to alleviate scarcity and then suppress riots, rather than vice-versa as has been intimated by proponents of the conspiratorial thesis like Douglas Hay and E.P. Thompson. This fact was shown by the concern of the king and his ministers when they sought, in early September 1766, to confront the issue of scarcity rather than the growing clamour about riots. The aims of the Chatham ministry were based upon the traditional welfare policies of the Tudor and Stuart period that sought to alleviate the problems of scarcity before dearth or the high price of provisions drove the lower orders to open defiance of the king's peace. Thus, the use of force in the 1760s to prevent riotous behavior as a result of scarcity was of secondary importance to the mobilization of the machinery

of the Hanoverian state, by proclamation and statute, to deal with the welfare of the nation.

The essential reason why the political élite reacted in such a benevolent manner is due not only to a self-interest in preserving social order, but also because of precedents that stretched back to the Elizabethan Poor Law of 1601 in which the state had accepted responsibility for the social welfare of the populace.[27] This vision of state responsibility did also, as Chatham's comment on public safety and the events in Parliament in November 1766 show, exist in the minds of the political élite in the 1760s. To neglect such responsibilities would have been anathema to even the most self-interested member of parliament. The behavior of the politicians at Westminster in November 1766 illustrates that, in a broad sense an inherent perception of state responsibility to alleviate dearth did exist amongst the political élite.

Parliament opened on 11 November 1766 and it immediately became clear that political factionalism would influence discussions on the propriety of the corn embargo. While the riots subsided in October, the political climate began to reflect the oncoming constitutional storm that would strike the government at Westminster on the 11th. In early November, as members of parliament returned from their county seats to London, discussions over the validity of the embargo made it obvious that the factions in opposition had an issue with which they could embarrass the new ministry. The principal opponents

to the corn embargo, led by George Grenville, still smarting from the repeal of the Stamp Act and the destruction of his colonial policy realized that this was an issue which gave him not only the constitutional highground, but also a weapon to batter both the late administration for its narrowsightedness and the Chatham administration for its constitutional insensitivity, and its indecisiveness in recalling parliament to debate the widespread civil disorder.

Grenville made his intentions known to the Duke of Bedford on 9 November 1766, for Bedford noted that on that day that Grenville 'informed me of [his] intention to oppose the address on the first day of the session, and envinced the illegality of the embargo, by the act of 22nd of Charles the Second.'[28] Grenville was referring to 22 Car II, c. 13 which allowed for the exportation of corn even after the price exceeded 48 shillings per quarter. Not only was it useful to cite in an attack upon the ministry, but it must also be noted that the statute Grenville cited to Bedford, as Bedford himself acknowledged, was a most impressive display of Grenville's knowledge of the statutes. 22 Car II, c. 13 was in effect detrimental to a policy which sought to maintain large quantities of corn in the country in times of dearth because it ordained that 'all persons, native and foreign, might at anytime after 24 June, 1670, regardless of the price, export corn on the sole condition of paying the customs imposed in 1660'[29] Surprisingly, this statute has been neglected by

historians as it was certainly overlooked by contemporary observers. Despite the alteration of numerous statutes by William and Mary, as a result of the Glorious Revolution and its constitutional implications, 22 Car II, c. 13 remained on the statute books until it was repealed in 1804 by the Act of 44 Geo III, c. 109.[30] Contemporaries took a rather dim view of the act because it continued a trend as one polemicist put it 'to leave the corn trade ... free and open ... [to] the desire of making corn a merchandize'.[31]

Grenville was not, however, worried about the negative effects the statute had upon corn supplies when he used the act to strengthen his argument that the embargo on corn was unconstitutional. Grenville did not focus upon the act of 1689 I W. and M., c. 12 as might have been expected in the debate because, as Gras has noted, it has been considered by historians to be the first corn bounty act.[32] On the contrary, armed with the more important act, Grenville prepared to expose the constitutional insensitivity of the Chatham ministry. Grenville must have been dismayed when it became obvious on 10 November 1766 that his fellow opposition members would not join his constitutional cause. Both the Rockinghamites, of whom a few remained in positions of power in the new ministry, and the Bedfords, did not intend to jeopardize the prospects of the fruits of patronage that were available from the baggage train of the 'broad-bottomed' Chatham administration by joining Grenville's constitutional crusade. All that Bedford would

concede to Grenville was that 'neither I nor any of my friends would oppose the address.'[33] It might be thought that astute politicians, like Bedford, would take full political advantage of the seemingly intractable constitutional position that the government had imposed upon itself, but they did not. The motivation of the members of parliament that November were undoubtedly personal and factional, but the chance of short term political advantage gave way to a more complex and commonly held understanding of a moral responsibility for the welfare of the lower orders in this time of dearth. Such feelings of responsibility in November and December 1766 pervaded all party or factional divisions amongst the politicians and undermined Grenville's argument about constitutional propriety. Preservation of public safety in times of scarcity ensured that those opposed, in both Lords and Commons, to the embargo were defeated.

When parliament met on 11 November 1766, the stage was set for an interesting confrontation between those M.P.s who supported the prerogative power used on behalf of the people in times of dearth and those who sought to defend the constitution against the exercise of royal prerogative in any peactime matters at all. The King's Speech focused on the distress over the scarcity of corn and George III informed parliament that the urgency of the situation called upon him 'to exert [his] royal authority for the preservation of the public safety, against a growing calamity which could not admit

of delay'.[34] George III had wisely accentuated the fears for the welfare of the lower orders, drawing attention to the immediacy of the crisis and also to the importance of a continued attempt, by parliament, to prevent dearth. 'If' as the king warned 'further provisions of law be requisite or expedient with regard to the dearness of corn, so necessary to the sustenance of the poorer sort, they cannot escape the wisdom of parliament, to which I recommend the due consideration therefore.'[35] Such a statement was essentially a challenge to parliament to adopt its expected role as a patriarchal interventionist seeking to maintain a moral order. The unconstitutional conduct of the Privy Council in September could be avoided if the ministry could impress upon Parliament the importance of continued prevention, through legislation, of corn scarcity.

Nevertheless, the forces of opposition immediately contested the legality of the Order in Council that secured the embargo. Grenville led the attack in the Commons, while Lord Temple, Grenville's brother and his followers, Lords Suffolk and Lyttelton, took up the torch in the House of Lords. Suffolk urged his peers that the embargo was illegal and that 'a bill would be necessary to indemnify the persons concerned, and the constitution.'[36] However, the plea by Suffolk was only answered by Lord Buckinghamshire, and the Dukes of Bedford and Richmond who objected to the legality of the Order in Council, as the Duke of Grafton informed the king on 11 November 1766.[37]

The Duke of Grafton also noted that Lord Mansfield had abstained from passing judgment on the subject because he anticipated having to rule in court on the legal repercussions of the embargo.

Chatham's success was compounded by the fact that he maintained his majority even after he argued that the 'issuing of the embargo during the interval of parliament by legal authority, as an act of power, justifiable before parliament on the ground of necessity.'[38] Surprisingly, this unique interpretation of the Constitution, which Chatham termed as Lockean, antagonized neither Northington nor Camden, both of whom it seems had forgotten the reasons for their objections to the embargo two months earlier. Despite his previous misgivings about the Order in Council Northington even went so far as to endorse Chatham's claim of constitutionality, and 'insisted on the legality of the embargo, and that the Crown had a right, in cases of necessity, to interpose even against [a] positive act of parliament, and that such interposition was not only justifiable but legal.'[39] Northington's desertion of the constitutional cause did not go un-noticed and Lord Mansfield, who had abstained on Lord Suffolk's appeal for an amendment on the legality of the embargo, rose to defend the constitution. As historians have shown, Mansfield's neutrality was based upon his understanding of prerogative right and its place in common and statute law.[40] The Order in Council, Mansfield maintained, was illegal, but he withheld a complete

analysis of the case because he feared he would, as Lord Chief Justice of the King's Bench, have to deal with cases arising from the embargo.[41] Without the strength of Mansfield's voice, the opposition's attack in the House of Lords was severely weakened. Mansfield did offer parliament a means by which they could settle the embargo dispute and repair the damage to the constitution, by an indemnity act. The admittance by the ministry that the Order in Council was illegal, but necessary to public safety, would give the opposition a small victory and the government a means of escaping the constitutional crisis. This olive branch, retroactive legislation, was seized upon by both government and opposition when a bill of indemnity was proposed on 18 November 1766 in the House of Commons.[42]

In the House of Commons, opposition to the embargo met with harsh resistance. Three amendments to the Address of Thanks to the King's Speech were proposed by Grenville. Grenville's first amendment was to include the phrase which assured that the king and Commons were in the process of indemnifying those who had acted to ensure that the Order in Council was carried out. Grenville also stated that such a bill would 'prevent the future abuse of a precedent, which, in times of less urgent necessity, may be perverted to justify a wanton violation of the most sacred laws, and a dangerous infringement of the constitution.'[43] If Grenville presumed that this rhetoric would sway M.P.s to his cause, he was sadly mistaken. Grenville also demanded that a clause which objected

to the time which it had taken to consult parliament on the issue of the embargo be condemned, be included in the address. Grenville asserted that because of the 'long prorogation it became impossible for his majesty, in a time of dearth and tumult, to give his subjects that relief and security which their calamitous situation required, and which the authority of the legislature alone could effectually and legally provide', and therefore, the incompetance of the Chatham ministry had precipitated the constitutional crisis. Moreover, Grenville intimated that the long prorogation had only prevented the mechanisms of state interventionism from being set in motion. Grenville took this argument to an extreme position with his third proposal. His final amendment was unique in that it called for direct aid to the lower orders from the King's purse, 'either in the purchase of corn, or in bounties on such corn as shall be brought by farmers to market'. None of these amendments met with the approval of the M.P.s. Conway was pleased to inform the King that the appeals for amendments had essentially gone un-noticed and that 'Grenville's voice alone cried No'.[44] Grenville's defiant defence of the constitution before Parliament had only secured the support of three M.P.s: Luttrell, Whately and Seymour. Parliament had clearly chosen paternal prerogative to high constitutional idealism. The force of this conviction was reinforced on 12 November, when the Order in Council was extended until an act of parliament could be drawn up and

passed to further prevent the exportation of corn. This additional Order in Council continued the embargo on corn and extended it to include barley and malt. The Order was made law on 27 November when 7 Geo III, c. 3, 'an Act to prohibit, for a limited time, the exportation of corn, grain meal ... and wheat flour' was given royal assent.[45]

The constitutional crisis had not yielded the political victory that the parliamentary opposition led by Grenville had anticipated. The reasons for this were based not only on the constitutional insensitivity of his parliamentary collegues but also on his neglect to consider the influence that perceptions of moral responsibility had upon the collective consciousness of the political élite. An order that was seen by Grenville to be 'a wanton violation of the most sacred laws' was seen by most M.P.s as a reflection of 'the paternal care and tender regard his Majesty has ... for the welfare of his people.'[46] Thus, Grenville concentrated on the reaction that Chatham's ministry had taken to alleviate dearth, while the majority considered the motivation, necessity and the threat of scarcity, behind the Order in Council as of paramount importance. This contrast in opinion was reflected in contemporary statements about Grenville's behavior. In reaction to Grenville's plea to issue £ 200,000, for the relief of the poor, from the Treasury, Horace Walpole concluded such a scheme to be 'a vain attempt at popularity, and deservedly ridiculed.'[47] Moreover, Edmund Burke, though impressed with

Grenville's stand on the embargo, noted that 'he fell, as usual with him, into some contradictions.'[48] That seems doubtful on this issue, but Burke clearly reflects an attitude that undermined Grenville's political maneuvering in parliament. The question remained, how could Grenville object to the alleviation of dearth and then recommend direct state intervention in the market-place on behalf of the lower orders? In demanding 'a sum of money [to be put] towards the relief of the poor', Grenville was advocating the development of a welfare structure that was far more radical and interventionist than proponents of the ideology of the moral economy could accept.[49] Grenville's suggestion that parliament grant 'such expenses as shall be incurred by His Majesty in relieving their wants under the present unusual high price of all kinds of provisions' was only seriously considered by Luttrell, Whately and Seymour, but by this time most of Commons were skeptical of his intentions and rejected his plan as political opportunism.[50]

However, the most interesting reflection of the differing views held by Grenville and the House over the embargo crisis were made most evident on 18 November 1766, when a passionate debate over the Indemnity Bill took place. During the debate, the Chathamite M.P. for the City of London, William Beckford rose to defend the action of the Privy Council. In his speech, Beckford foolishly stated that 'whenever the public is in danger, the King has a dispensing power.'[51] Grenville

immediately demanded that Beckford's words be taken down by the Clerk for censure. Thereupon, Beckford hastened to explain himself by adding that he also meant to say 'with the advice of council, whenever the salus populi requires it.' Exception was also taken to those words and Beckford was asked to clarify his statements. Grenville inveighed against the doctrine that motivated Beckford, who was clearly ignorant of the ramifications of the doctrine he propounded. Beckford eventually retracted his remarks; remarks which may have pleased Charles I, but were certainly frowned upon by a post-revolutionary parliament. Grenville relished this victory, but in reality the 'arbitrary and dangerous opinion' that had been voiced by Beckford still had, as parliament proved, credence in times of dearth.[52]

Though Beckford was chastised for arguing that salus populi was grounds for the Order in Council, the fact that most M.P.s agreed with Chatham's assertion that 'an act of power [was] justifiable before parliament on the ground of necessity,' amounted to the same thing.[53] Lord George Sackville noted that the defence by Chatham had come close to the doctrine the Beckford epitomized. Commenting to General Irwin on the Order in Council, Sackville stated that 'the Chancellor, Lord Northington and Lord Chatham went so near the old prerogative doctrines of Chas. 1st, of the salus populi suprema lex, and necessitas lex temporis, and then making the king the judge of necessity, and that necessity superseding law, you at

once establish the doctrines which were held by the judges in the case of ship money, and give in to King James's notions of suspending laws.'[54] If parliament objected so greatly to any residual Stuart absolutist sentiment, as embodied in Beckford's doctrine, why then did they agree, apart from opposition by Grenville, that the embargo was a satisfactory solution to the corn scarcity crisis? Further investigation in the following chapter of the statutes and the doctrine of salus populi suprema lex and the motivation for a continuation of social welfare legislation, which harkened back to the seventeenth century, will reconcile the constitutional sensitivity of Grenville and the tenets of prerogative that ensured state interventionism in periods of scarcity and temporal distress.

ENDNOTES

1. Studies that discuss the political events of 1766 include: J. Brooke, The Chatham Administration, 20-42. F. O'Gorman, The Rise of Party in England, 187-196. P. Langford, The First Rockingham Administration, 236-289. P. Lawson, George Grenville, A Political Life, 220-227.

2. Walpole, Memoirs, ii. 259.

3. Fortescue, i. 391. Parliamentary History, xvi. 303.

4. Fortescue, i. 392.

5. Parliamentary History, xvi. 303. This comment is found in a speech written by Mr. Macintosh with assistance by Lord Temple and Lord Lyttelton.

6. 5 Geo III, c. 32.

7. Parliamentary History, xvi. 304.

8. Parliamentary History, xvi. 301-304.

9. Chatham Correspondence, iii. 73.

10. Commons Journals, xxx. 763.

11. Barnes concludes that the behavior of Council and the Act against forestalling led to increased aggression against middlemen. See D.G. Barnes, A History of the English Corn Laws, 39. Also see W. Shelton, English Hunger and the Industrial Disorders, 95-96.

12. Fortescue, 1. 393.

13. Fortescue, i. 393.

14. Fortescue, i. 394. For an analysis of the Bill of Rights see E.N. Williams, The Eighteenth Century Constitution, 26-33.

15. Fortescue, i. 398.

16. In his analysis of both Camden and Northington, Brooke concludes that neither were of 'cabinet calibre', and that they were members 'of a cabinet designed to register Pitt's edicts'. See J. Brooke, King Goerge III, 226.

17. Fortescue, i. 397. In his article 'Parliament, The Constitution and Corn: The Embargo Crisis of 1766,' Parliamentary History, 5 (1980), Philip Lawson has detailed

the events of the autumn of 1766, but he has confused the roles of Camden and Northington, p. 23. This error does not, however, detract from the quality of his summary of the constitutional ramifications of September 1766.

18. P. Slack, Poverty and Policy in Tudor and Stuart England, 138.

19. Commons Journals, xxxi. 9.

20. Fortescue, i. 397.

21. Chatham Correspondence, iii. 73.

22. Parliamentary History, xvi. 236.

23. The finest examples of this interpretation are Albion's Fatal Tree, eds. D. Hay, P. Linebaugh and E.P. Thompson; see also E.P. Thompson's Whigs and Hunters. For more recent research see, D. Hay, 'War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts,' Past and Present, 95, 2 (1982), 117-160.

24. Cal. H.O. Pprs., 1766-69, p. 80

25. Cal. H.O. Pprs., 1766-69, p. 83.

26. H.M.C., Lothiam MSS., 268.

27. P. Slack explains this development in his study Poverty and Policy in Tudor and Stuart England, 1.

28. Bedford Journal, 593.

29. This quotation and a detailed discussion of the Stuart Statutes pertaining to corn can be found in N.S.B. Gras, The Evolution of the English Corn Market, 143-4. See also Ch. 5.

30. N.S.B. Gras, The Evolution of the English Corn Market, 143.

31. C. Smith, A Short Essay on the Corn Trade and the Corn Laws, 9.

32. N.S.B. Gras, The Evolution of the English Corn Market, 144.

33. Bedford Journal, 593.

34. Parliamentary History, xvi. 235.

35. Parliamentary History, xvi. 236.

36. Bedford Journal, 594.

37. Fortescue, i. 414-415.

38. Chatham Correspondence, iii. 127. The same account of Chatham's speech, found in a letter from Mr. Henry Flood to the Earl of Charlemont, exists in the Bedford Journal, 594.

39. Bedford Journal, 594.

40. For a detailed discussion of Lord Mansfield's role and interpretation of the embargo crisis debates see P. Lawson, "Parliament, The Constitution and Corn: The Embargo Crisis of 1766," Parliamentary History, 5 (1986), 28-30.

41. Walpole, Memoirs, ii. 264. See also Fortesque, i. 414-415 and the Bedford Journal, 594. Lord Sackville also confirmed Manfield's inability to speak candidly on the subject: H.M.C., Stopford Sackville MSS., 1. 115.

42. Commons Journals, xxxi, 15.

43. Parliamentary History, xvi. 242. See also, Commons Journals, xxxi. 4. The two following quotations are also taken from here.

44. Fortescue, i. 415.

45. Statutes at Large, xxvii, 304-314.

46. Parliamentary History, xvi. 240.

47. Walpole, Memoirs, ii. 263.

48. Burke Correspondence, i. 278.

49. Burke Correspondence, i. 278, n. 5.

50. Commons Journals, xxxi. 4.

51. Parliamentary History, xvi. 245. Commons Journals, xxxi. 15. Walpole, Memoirs, ii. 268-269. The following quotation is also taken from Parliamentary History.

52. H.M.C., Lothian MSS., 273.

53. Chatham Correspondence, iii. 127.

54. H.M.C., Stopford-Sackville MSS., i. 115.

Chapter III

Statutes and State Interventionism

The Embargo crisis of 1766 posed two fundamental problems for the political élite; firstly, how should dispensing power be used legally within the post-revolution constitution and secondly, what responsibilities did the State have to the lower orders in times of dearth and national crisis. Their solutions undermine both Whig and Namierite assumptions of eighteenth century society. Whig scholars have, despite Herbert Butterfield's warnings, continued to depict the constitution as a progressive, onward and upward process in which individuals like Chatham, Fox and Burke assisted in gradually tearing the reins of power from the monarch and putting them in the rightful hands of conscientious parliamentarians.[1] In such a paradigm, struggles against George III have been seen in this light even though revisionist scholars have shown that the king did not, upon his accession in 1760, set out to subvert the constitution.[2] However, events surrounding the Embargo crisis cannot be incorporated into a whig teleology. In the case of the Embargo crisis, it is clear that the political élite were content to see George III exercise royal prerogative without Parliament. William Beckford, M.P. for the City of London, had been censured for his arguments of salus populi and that the monarch had a dispensing power, but the politicians had wholeheartedly supported the Order in Council

of 24 September 1766. The constitutional crisis demanded an Indemnity Act, but it was an empty gesture that did not affect any limitations on the use of the dispensing power. The Embargo crisis was the first challenge to the strength of the resolve of the political élite to monarchical dispensing power since the reign of James II. When confronted with the use or application of the prerogative power in times of domestic crisis, the politicians retreated from a constitutional imbroglio.

The Bill of Rights of 1689 had been particularly vague on the subject of dispensing power, noting only that 'the pretended power of dispensing with laws, or the extention of laws, by royal authority, as it hath been assumed and exercised of late, is illegal.'[3] Therefore, dispensing power was only unconstitutional if it was used in the manner employed by the Stuarts. In the Indemnity bill debates of 18 November 1766, the question of the use of royal prerogative and specifically the exercise of dispensing powers in times of dearth were avoided. Though Walpole commented that the King's laying of an embargo was 'an extention of prerogative not used for a large number of years but in a war, or on the imminent approach of one,'[4] the political élite offered no objections to a lofty interpretation of royal prerogative that infringed on parliamentary privilege. In spite of the fact that parliament had an impressive constitutional case against the Order in Council, the political élite chose not to challenge and curtail

royal authority.

This crisis hardly shows that the constitutional struggles between George III and parliament were as pervasive as Whig historians have assumed. Prerogative and dispensing power remained vital to the structure of politics in the 1760s. This is not a revelation to those familiar with Hanoverian history, but the degree to which the country at large and Westminster appreciated the use of prerogative in times of dearth and crisis, has been understated by many scholars. In terms of eighteenth century governance, there remained a need, as Walpole stated, for 'a supreme power to exert itself when evils [were] too mighty for the common channel of law to divert. That power must have relieved the people, or they would have relieved themselves, for men will not starve, if you tell them there is no law that can help them.'[5] In the case of the Embargo crisis, that supreme power was used expeditiously and successfully because the monarch and the political élite had a clear perception of the moral responsibilities of the State to the people in times of dearth.

During the subsistence crisis of 1766, which was precipitated by high foodstuff prices and accentuated by the scarcity of corn, the traditional paternalistic roles of the monarch and the landed aristocratic classes, were relied upon to alleviate dearth. In doing so, this élite activated an informal welfare structure that had existed in England for hundreds of years. This recognition of moral responsibility

had received a renewed vigour in the late 1750s when numerous symbolic gestures were made by the politicians at Westminster to indicate, to the lower orders, that they supported the principles of a traditional moral economy. In the wake of the grain shortages of 1756-1758, a revival of traditional practices in the corn trade was frequently advised and imposed through legislation. For example, in March 1758, the Assize of Bread was re-activated.[6] This legislation was an attempt to prevent bakers from both gaining excessive profits on the sale of bread at the expense of the lower orders and also from adulterating bread. This was accomplished by stipulating how many ounces of flour the standard loaf should contain. The Privy Council, under the Tudor and Stuart monarchs had repeatedly issued the Book of the Assize of Bread which prescribed the proportion of bread to be made from a batch of flour and the relative weights that loaves of different types, white or wheaten should bear to each other.[7] The motive behind its use had been inherently paternalistic because the Assize of Bread sought to prevent staples from being used, by bakers and millers, as tools to exploit the lower orders. The reactivation of the assize in 1758 had a similar purpose and reflected the same patriarchal mentalité amongst the political élite that had motivated their early modern predecessors. Moreover, in 1758, the Books of Orders, which embodied legislation dealing with corn merchants between 1586 and 1631, were reprinted.[8] The Books of Orders were dedicated to William

Pitt, Secretary of State and Henry Legge, Chancellor of the Exchequer with the recommendation that they be used to curb the activities of middlemen. However, the Pitt-Newcastle administration chose not to adopt the suggestions because the prevailing dearth had subsided. Nevertheless, the paternalistic spirit embodied in the Assize of Bread and the Books of Orders had been reinforced in the minds of the political élite and into the body politic of the nation.

This paternalist mentalité continued into the 1760s and was best reflected during and after the Embargo crisis. There can be little doubt that the actions taken by the Chatham administration against forestallers and regraters on 10 September 1766 were based to a degree on the Books of Orders.[9] The Proclamation of 10 September specifically cited two sixteenth century Acts forbidding forestalling - the resale by a middleman, or badger, of corn purchased before it came to market, and regrating - the practice of purchasing corn in one market and selling it at a higher price in another market-town. It has been argued that the political élite sought with this legislation, to direct the anger of the mobs against the corn market middlemen.[10] However, historians like Walter Shelton would be more accurate if they noted the September Proclamation was an attempt to stabalize the market-place and not condone localized riotous behavior. Moreover, Shelton should have noted that the threat of a potential constitutional crisis and not a reluctance to interfere with the corn market caused the

delay on an embargo in September 1766. The Chatham ministry was reacting to the subsistance crisis by activating the traditional processes of state interventionism into the market place that had developed in the early modern period.

The politicians took on the burden of this interventionist responsibility through the use of statute because they collectively accepted the patriarchal and deferential mechanisms of the old moral economy. The term moral economy must, as historians have warned, be used with care.[11] Yet, there can be no doubt that the response by the political élite to dearth in 1766 was based on an appreciation of a traditional and moral, rather than a market regulated economy. The complexities of economic change in eighteenth century England undoubtedly threatened to undermine the personal patron-client relationship that was characteristic of the 'face-to-face' nature of Hanoverian society.[12] However, the implementation of a traditional interventionist policy shows that Westminster was aware of the social implications of changing economic conditions. The politicians reacted in a traditional and expected manner. Therefore, statute was used to reinforce an endangered old moral economic order.

Historians have presumed that the political élite stood by and allowed the old order to be torn asunder by a new market economy. This assumption, in light of the behavior of the politicians at Westminster in the 1760s, is doubtful. E.P. Thompson has argued that the demise of the moral economy of

provision was to a degree the result of the repeal, in 1772, of legislation against forestalling. Thompson based his thesis on a belief in a conspiratorial élite. He argued that Westminster supported and facilitated the repeal of traditional paternal statutes in order to make way for the proponents of the new market economy.[13] The politicians were not, however, mere pawns in the metamorphosis that took place in the eighteenth century market-place. The explanation by supporters of a conspiratorial thesis, like that of Thompson, for the demise of the moral economy in the early 1770s is incomplete because it does not consider the mentalité of the politicians who passed and repealed legislation involving provision.

In the late 1760s and early 1770s the moral economy and traditional methods of market intervention by the State came under pressure, not because of an inconsiderate élite, but because the common perception of provisions and corn itself was changing. Contemporaries were well aware of this process. Throughout the early eighteenth century corn had been regarded as a staple and provision that was particularly unique and one that had necessarily 'fallen under the direction of the civil magistrates.'[14] By the mid eighteenth century, corn had come to be regarded as a commodity rather than a necessity. In 1751, a quarter of a century before Adam Smith's An Inquiry into the Nature and Causes of the Wealth of Nations was published, Charles Townshend enunciated a laissez-faire doctrine that specifically mentioned corn and the corn market.[15]

Townshend claimed that English 'trade and wealth [depended] solely on the degree of vent its manufactures [had] in foreign markets.' Moreover, and more importantly, he argued that 'Corn as it is capable of being manufactured, is unquestionably a commodity of this sort.' The implications of such a philosophy upon perceptions of the corn trade cannot be understated. This impression of corn as a commodity and not merely as a right of subsistence of the labouring poor not only questioned the virtues of the moral economy, but also the effectiveness of the paternalist regulations upon which the political élite relied. However, in the 1760s the élite did not betray the principles of the old moral economy in the face of changing perceptions of corn.

Passage and enforcement of statute was repeatedly used by Westminster to maintain the availability of foodstuffs for the nation at large, and to preserve the old economic order. Moral responsibility was consciously reflected at the opening of every session in the late 1760s when parliament enacted legislation against the exportation of wheat and related agrarian staples. This process of placing an embargo upon the exportation of corn was often accompanied by legislation that allowed for the free importation of agricultural goods from the colonies. For example 7 Geo. III. c. 11 enabled merchants the freedom to import wheat, barley, oats and rye duty-free from both Africa and the North American colonies.[16]

Furthermore, this legislation did not remain static. The

statutes reflected the changing tenor of the political nation and the varied economic demands and conditions of regional markets across the nation. Special clauses were included in the 1767 Embargo Act to alleviate dearth on the Isle of Man and the Channel Islands. In the hurried drafting of the 24 September 1766 Order in Council prohibiting the exportation of corn, no conditions were made to accommodate the needs of these dependent islands. Such an oversight had caused some debate about the legality of supplying the islanders with foodstuffs. 7 Geo. III, c. 1 enabled the ports of Whitehaven and Liverpool to load corn specifically destined for the Isle of Man and that Southampton could carry out the same function for the Channel Islands.[17] Thus, the politicians at Westminster, who could not realistically make the embargo legislation perpetual, continued to alter and redefine the degree of state interventionism through the use of statute. In doing so, the political élite remained, throughout the late 1760s, attentive to the concerns of the nation to prevent dearth.

Chatham's ministry also took measures to guarantee that the use of royal proclamations pertaining to dearth would not cause further confusion over the constitutionality of dispensing power by incorporating enabling provisions into 7 Geo. III., c. 3. The clause stated that if 'it shall appear expedient to his Majesty to prohibit the exportation of corn ... it shall and may be lawful to and for his Majesty ... by his royal proclamation, or to be issued by and with the advice

of his privy council, or by his order in council to be published in the London Gazette [to do so].'[18] This clause, based on Grenville's enabling act of 1765 was unique in its implementation and its appearance, in an era when the governing élite continually came to blows with the Crown over royal prerogative. The clause enabled George III to deal with dearth without offending a parliament that continually feared that its privileges were threatened by machinations of George III and his personal friends. The development of the Bute myth and the double-cabinet were mere reflections of this constant tension. More importantly, the enabling clause accentuated a patriarchal metalité that guided the behavior of the Crown in the event of a poor harvest. The House of Commons protected its constitutional privileges by passing an enabling bill which, in effect, sanctioned royal use of the dispensing power in peacetime to alleviate the scarcity of corn. To safeguard their privileges, the House of Commons placed limitations upon its durations. However, from 1766 until 1770 both parliament and the people were willing in the case of dearth, to allow a dispensing power to the Crown, a power many believed an anachronistic royal prerogative, for the sake of expediency. The practical considerations in this concession by parliament are not difficult to find: to pre-empt extra-parliamentary agitation by the mob and to reinforce the old order of a traditional hierarchical society.

The use of statute was in itself a reflection of the

mentalité that motivated the governing élite. The passage of law in the eighteenth century, as historians have shown was laden with ritual and was at times impressive and even intimidating to the commoner.[19] However, there can be little doubt that both the middling sort and the lower orders appreciated the statutes which sought to alleviate dearth. Numerous letters printed in the widely read Gentleman's Magazine in the fall of 1766, for example reflect the gratitude of the middling sort to the adoption of traditional legislation motivated by notions of the old moral order.[20] In a rigid, hierarchical society, bound by deferential relationships, statutes used to alleviate dearth had a particularly important social significance. The adoption of statute indicated to the lower orders that their superiors were aware of their responsibilities within the reciprocal structure of the eighteenth century deferential community. In essence, statutes related to dearth played a role similar to that of elections as observed by Frank O'Gorman. O'Gorman argues that elections afforded the political élite an opportunity 'to renew its public commitment to paternalist and community responsibilities.'[21] Statutes pertaining to the corn trade accomplished a similar objective by reinforcing the old moral economy of the local marketplace. Therefore, patriarchal statutes of provision strengthened the local deference structures upon which the stability of Hanoverian society rested.

Governments of the late 1760s were well aware of this function of statute. When the Westminster politicians neglected their responsibilities in the field of public welfare, the opposition quickly called them to order, demanding intervention on behalf of the lower orders. For instance, on 24 November 1767, the Chatham ministry received harsh criticism from the Rockinghamites. The reason for this castigation, led by Burke, Rockingham's noted polemicist and Wedderburn, a Grenvillite at heart, was based on the perceived inability of Chatham's ministry to appreciate the severity of the distress occasioned by the high price of provisions. Despite the fact that George III had drawn attention to the scarcity of corn in 1767 in his speech opening the session, it became clear that the ministry had not prepared a comprehensive plan to alleviate the scarcity.[22] The King had appealed to parliament to direct their whole attention to matters that concerned 'the internal welfare and prosperity of my people.'[23] He went on to conclude that of the most serious domestic issues 'none [could] demand a more speedy or more serious attention, than what regards the high price of corn, which neither the statutory laws passed in the last session of parliament, nor the produce of the late harvest, have yet been able so far to reduce, as to give sufficient relief to the distress of the poorer sort of my people.' The paternal nature of the address was not lost and it became clear to those in attendence that the monarch expected parliament to interfere with the corn market by the

mechanism of statutes to alleviate the distress of the lower orders.

In light of the events of the preceding autumn, the opposition felt that the Chathamites were guilty of negligence. Burke championed the cause by arguing that Chatham's government had abdicated its responsibility by failing to formulate 'a plan for relieving the poor'.[24] Burke noted that the burden of responsibility in times of dearth fell upon Westminster and the elected representatives of the people. Such a vision of society was clearly based on and was consistent with Burke's thesis of virtual representation which bound Lockean contractarianism and a traditional and paternal constitution. Society was a collection of 'subordinate contracts' which when respected, were crucial to 'good order'.[25] Burke's awareness of the reciprocal nature of the deference community extended to the politician whom he perceived was ideally motivated by 'a politic caution, a guarded circumspection, [and] a moral rather than a complexional timidity.'[26] Therefore, Burke not only accepted the paternal role advocated by George III in his address, but also a principle of moral responsibility. Therefore, he warned parliament that 'the unhappy people, groaning under the severest distress ... and disappointed of relief from the legislature, will in their despair, set all law and order at defiance; or, if the law be enforced upon them, it must be by the bloody assistance of a military hand'.[27] Burke inveighed strongly against the latter and supported

George III's appeal for the adoption of statutes relating to dearth to alleviate the scarcity of corn.[28] Burke did not make mention of the fact that those responsible for the constitutional crisis of September 1766 were the near-sighted Rockinghamites who had negligently failed to secure an enabling act in the spring of 1766 to permit short-term legislation prohibiting the exportation of corn. However, it is doubtful that Burke was merely attempting to embarrass the Chathamites for political aggrandizement, particularly in light of Grenville's failure to defend the constitution and humble the Great Commoner's ministry in November 1766. Moreover, Burke had a particular preoccupation for investigating the dearth of corn and provisions and similar problems which culminated in his Thoughts and Details on Scarcity which was published in 1795.[29] His speech against the Chatham ministry was grounded on the belief that the political élite had jeopardized the welfare of the people because 'Parliament [had] taken no effectual measures for their relief.'[30] Burke's comments were given added strength because the Sheriffs of London presented, on the same day, a petition which noted 'that the present high price of grain, and all other sorts of provision ... forcibly [called] upon the petitioners, humbly to solicit the earnest attention of the house to the distresses of the industrious poor.'[31]

The petitioners went on to acknowledge the success of the interventionist policy of the 1766 Order in Council and asked

that the Commons not 'suffer those salutory laws to expire.'[32] The Sheriffs' remarks were followed by a similar petition from the Burgesses of Devizes and, as a consequence of Burke's vindication and the petitions, the acts passed in the 1766 autumn session prohibiting the exportation of corn, were reimposed.[33]

The behavior of the petitioners reinforces the argument that statutes strengthened the deferential relationships of eighteenth century society. The petitioners appeared before the Bar of the House of Commons with the expectation that statutes would be employed to solve the problems of scarcity. This expectation was based upon a clear appreciation of the paternal nature of governance and the reciprocal nature of deferential relationships between the upper and lower orders.

Moreover, the Chatham ministry went out of its way to account for its inability to have tabled a proposal to alleviate dearth. Conway informed Members of the House that the late Charles Townshend was to have prepared 'a plan to be submitted to parliament, for the effectual relief of the poor in the article of provisions.'[34] Burke suspected that Conway was attempting to alter the focus of the discussion and deny that the ministry was responsible for the welfare of the nation. In a criticism of the ministry, Burke noted that Conway's remarks were a 'humiliating confession ... for an administration, who have undertaken to advise about the conducting of an empire, to declare to this house, that by the

death of a single man, all projects for the public good are at an end, all plans are lost.'[35] Burke's remarks were painfully swallowed by the ministry because he was not only correct that Townshend's death did considerably weaken the Chatham administration but more specifically that the ministry was negligent in the way in which it dealt with the corn scarcity problem. Sensing that they had been outflanked by Burke, the ministry sought to redress their policy imbalance by, as Conway reported to George III, moving 'for a Committee to revise the Laws of last year relative to the Corn and Provisions.'[36] In this episode, the Chatham ministry had not recognized its moral responsibilities in this affair and intervened in a manner expected not only by the petitioners, but also by the government's critics at Westminster. Burke's condemnation of this abdication of responsibility for the welfare of the lower orders was thoroughly supported in parliament; as Walpole noted, Burke's remarks excited 'great and deserved applause'.[37]

In reacting to Burke's criticism that they had been remiss in not dealing with the threat of dearth, the ministry organized a Committee to consider the problems of corn scarcity. This was a typical reflex action. Throughout the 1760s numerous Committees considered measures to alleviate scarcity. Often they concluded that the middleman and the merchants of the corn trade were responsible for the rising price of provisions. Committees often had a difficult time in developing long-term strategies to deal with dearth. For

example the Committee appointed on 23 January 1766 to consider the state of the corn trade met for three months and became embroiled in contradictory testimonies by two expert witnesses.[38] The fruits of the labours of the committee were submitted on 25 April 1766 and it was decided that a Committee of the Whole House should consider the superficial findings.[39] However, the House never discussed the summary and after repeated postponements of a debate on the corn trade the prorogation for the summer recess killed the opportunity for any investigation by parliament. The ministry was left to activate the informal social welfare system reliant on paternal statutes related to dearth.

Similarly, the committee called for by Conway on 24 November 1767 was unable to formulate any constructive solutions to the serious and recurrent problem of dearth.[40] Their investigation of the statutes related to the corn trade revealed that the traditional acts of state interventionism were needed but they had little else to contribute to parliament's understanding of the corn trade. The committee's inability to find concrete solutions was a reflection of parliament's isolation from the root problems of corn scarcity in the nation at large. Historians have been very critical of the behavior of both parliament and the local authorities and the methods used to alleviate corn scarcity.[41] This cynical view of the politicians is undeserved and reflects a misunderstanding of the intentions of Westminster's

interventionist policies in the late 1760s. Ministries did commit errors, as the Rockingham and Chatham ministries' records attest, but these errors were not based on intention, as proponents of the conspiracy thesis would argue, but were due primarily to ignorance of the operation of the corn market and the economics of provision in general. Parliament had relied upon committees in 1764, 1765, 1766 and 1767 and by attributing the responsibility of dearth to the mechanisms of the market-place they did exacerbate antagonism for middlemen, but the reasons why parliament still felt responsible for the availability of corn have been understated or completely neglected by historians like Shelton.

The ignorance of the market-place shown by the politicians at Westminster was also obvious to contemporaries. Both Charles Townshend and Charles Smith noted the changing perceptions of corn, from a birth-right to a marketable commodity; and in such a climate of economic change the political élite were at a disadvantage when considering methods to alleviate long term corn scarcity.[42] However, though faced with this challenge, the politicians did not abdicate their responsibilities in a moral economy and in the face of appeals from Burke in the House of Commons on 24 November 1767 and from petitioners on behalf of the lower orders, the élite re-assumed their traditional paternalistic place in the old economic order. That Burke could elicit such a reaction from the Commons reveals just how sensitive parliament could be to pleas

for state intervention in times of dearth. The reasons for this have been made clear. The political élite held to the principles of moral responsibility and fully supported the use of statutes to reinforce a traditional and paternalistic economy of provision. The fact that the governing élite yielded to pressure and appeals from the lower orders indicates that they not only perceived a need for state interventionist policies in the corn trade, but also that they accepted the reciprocal nature of deference in Hanoverian society. In such an age, statutes had a particularly important symbolic function in the realization of the expectations of both the political élite and the lower orders.

Aware of their ignorance of the mechanisms of the market-place, and armed with a social welfare mentalité, the political élite sought to develop the interventionist machinery needed by the State to ensure the lower orders that they were not participating in the destruction of the moral economy. The final chapter will show how the political élite of the late 1760s attempted; as individuals in the counties, and as a collective body at Westminster, to alleviate dearth, overcome their ignorance of the corn trade and, in the process, institutionalize the moral economy through the traditional use of statutes.

ENDNOTES

1. The Whig historians of the nineteenth century, Macaulay, Acton, Trevelyan and Gardiner have been replaced to a varying degree by professional historians who remain trapped within a whig paradigm despite Butterfield's critical analysis of linear history in his seminal work, The Whig Interpretation of History. Proponents of a neo-whig mentality include J.H. Plumb, G.H. Guttridge, N. Mckendrick and J. Brewer.

2. The list of works on George III and the Constitution is considerable. These are but a few samples that have assisted in reviving the constitutional integrity of George III. H. Butterfield, George III and the Historians, L. Namier, England in the Age of the American Revolution, 4. J. Brooke, King George III, 56-57. I.R. Christie, "George III and the Historians, Thirty Years On," History, 71 (1986), 205-221.

3. For a convenient source on the Bill of Rights, (I Will. and Mary, sess. 2, c. 2) see E.N. Williams, The Eighteenth Century Constitution, 26-33.

4. Walpole, Memoirs, ii. 260.

5. Walpole, Memoirs, ii. 264

6. 31 Geo. II c. 29. For detailed discussions on the Assize of Bread see S. and B. Webb, "The Assize of Bread," Economic Journal, xiv, (1904). E.P. Thompson, "The Moral Economy of the English Crowd in the Eighteenth Century," Past and Present, 50 (1971), 84-88. N.S.B. Gras, The Evolution of the English Corn Market, 133.

7. D.G. Barnes, A History of the English Corn Laws from 1660-1846, 34-35.

8. N.S.B. Gras, The Evolution of the English Corn Market, 207. For a detailed discussion of the Books of Orders see P. Slack, "Books of Orders: The Making of English Social Policy 1577-1631," Transactions of the Royal Historical Society, 5th ser., xxx (1980), 1-22; P. Slack, Poverty and Policy in Tudor and Stuart England, 138-148.

9. Chatham Correspondence, iii. 73.

10. W.J. Shelton, English Hunger and Industrial Disorders: A study of social conflict during the first decade of George III's reign; and "The Role of Local Authorities in the Provincial Hunger Riots of 1766," Albion, 5 (1973), 50-66.

11. K.D.M. Snell, Annals of the Labouring Poor: Social Change and Agrarian England, 1660-1900, 99.

12. Face-to-Face society is a vision of eighteenth century England propounded by P. Laslett in The World We Have Lost - further explored. Laslett's theme has also been incorporated in other historical works. See R. Porter, English Society in the Eighteenth Century.

13. Thompson, 'Moral Economy', 89.

14. C. Smith, A Short Essay on the Corn Trade and the Corn Laws, 7.

15. This and the two quotations that follow are taken from "National Thoughts recommended to the serious Attention of the Public, with an Appendix, showing the Damages arising from a Bounty on Corn," as cited in D.G. Barnes, A History of English Corn Laws from 1660-1846, 24-25.

16. Statutes at Large, xxvii. 3.

17. Statutes at Large, xxvii. 2.

18. Statutes at Large, xxvii. 314.

19. See Albion's Fatal Tree, eds. D. Hay, P. Linebaugh and E.P. Thompson. Also consult E.P. Thompson, Whigs and Hunters.

20. Letters to the editor of the Gentleman's Magazine show that the nation at large appreciated the actions of the King and the Privy Council in the fall of 1766. See, in particular, issues after 1 October 1766.

21. F. O'Gorman, "Electoral Deference in 'Unreformed' England: 1760-1832," Journal of Modern History, 56 (1984), 398.

22. Commons Journals, xxxi. 422. Parliamentary History, xvi. 379-382.

23. This and the quotation that follows are taken from the Commons Journals, xxxi, 421.

24. Burke Speeches, ii. 72.

25. This vision of society was the foundation for Burke's discussion of the French Revolution. However, the paternal tone of his comments on the corn trade in the 1760s and his criticism of the Chatham ministry in 1767 show that he ascribed to such a political philosophy when he rose in Parliament on 24 November 1767. Burke's recognition of a deferential structure was also important to his comment on

the behavior of the Chatham ministry. See Burke, Reflection on the Revolution in France, (Harmondsworth, 1982) 194 and 372. For an analysis of Burke's political philosophy see J. Brewer, Party Ideology and Popular Politics at the Accession of George III. Frank O'Gorman, Edmund Burke. His Political Philosophy and The Rise of Party. For a biographical sketch of Edmund Burke, consult L. Namier and J. Brooke, The House of Commons 1754-1790, vol. II.

26. Burke, Reflections on the Revolution in France, 375.

27. Burke Speeches, ii. 72.

28. Parliamentary History, xvi. 381.

29. Burke's Works, ii. 247-259.

30. Burke Speeches, ii. 72. Parliamentary History, xvi. 391.

31. Debrett, Debates, v. 509. Commons Journals, xxxi. 423.

32. Debrett, Debates, v. 509.

33. Commons Journals, xxxi. 424.

34. Parliamentary History, xvi. 386.

35. Burke Speeches, ii. 69.

36. Fortescue, i. 509.

37. Walpole, Memoirs, iii. 81.

38. The quotation and information in this paragraph are taken from Commons Journals, xxx. 494-499 and 762-771.

39. The account and information discussed here are taken from Commons Journals, xxx, 762-771 and 828.

40. Parliamentary History, xvi. 380-391. Fortescue, i. 509.

41. The finest example of numerous works which embody such sentiment is W. Shelton's English Hunger and Industrial Disorders. In chapter three of his work, Shelton is particularly critical of local authorities and their failure to alleviate dearth.

42. For Townshend's contribution to the pamphlets on the corn trade see "National Thoughts recommended to the serious attention of the Public, with an Appendix, showing the Damages arising from a Bounty on Corn." Smith's contribution on the metamorphosis of perceptions on corn is

embodied in C. Smith, A Short Essay on the Corn Trade and the Corn Laws, 7.

Chapter IV

Rhetoric and the Realisation of Responsibility

The events of 1767-70 illustrated that in times of dearth the governing élite turned to legislation as the means of putting into effect its moral responsibilities towards those in need. It is not difficult to see why the ruling class adopted this outlook. Through the adoption of statute the old patron-client relationship within the state was strengthened, adding to the stability of Hanoverian England's face-to-face society. Statutes to alleviate dearth were the highest political expression of traditional moral responsibility in the eighteenth century. Moral responsibility, developed over time and by the 1760s had become firmly entrenched in Hanoverian society as a collective conscience in the minds of the landed élite. At Westminster, this élite relied upon paternal legislation to alleviate social evils like dearth, while in the localities it relied upon an old moral order. Concern for the maintenance of the old traditional structures of society was a significant factor that motivated the élite into taking an active, interventionist role in the counties on behalf of the lower orders.

The landed élite fulfilled this role by not only actively participating in political and social life of the counties but also by acting as the patron of charity. Numerous examples of individual charity by the aristocracy in the late 1760s exist.

For instance, in October 1766, the Marquis of Tavistock interfered with the local corn market near Houghton Park in Bedfordshire to alleviate the 'distress of the common people.'[1] Tavistock did so by selling his corn to the poor at five shillings per bushel and by purchasing a large quantity of rye which he re-sold at a subsidized rate to the common people. This was not an original idea, as Tavistock himself admitted in a letter to his father, the Duke of Bedford, when outlining his intentions in alleviating dearth in Bedfordshire.[2] The Duke of Bedford himself had relied on similar interventionist methods in the late 1750s and it is clear that charitable and paternal gestures were responsibilities that the Bedfords readily accepted. The Bedfords acted as patrons for the county on a large scale on several occasions by putting the resources of their estates and their personal wealth at the disposal of the lower orders in times of dearth and disaster. For instance, on 26 November 1770, the Duke of Bedford authorized the transfer of £500.00 to the victims of a flood that had swept away fen embankments and destroyed a considerable amount of property in northern Bedfordshire. The Duke instructed his assistant Robert Palmer to ensure that 'the care of the poor and their stock [was] the thing first to be thought of.'[3] On the next day the Duke of Bedford sent further aid to the residents of Thorney when he ordered his attendants at Woburn to send all available blanketing and clothing to the victims. Such action by the landed aristocratic classes was a reflection

of a welfare mentalité that developed in the early modern period and strengthened the social order into the 1760s. Individual charity proved beneficial because it was not only expedient in confirming the effectiveness of the social hierarchy but also in fulfilling expectations of Christian charity. The significance of religious principles in the development of a welfare mentalité cannot be overlooked or under-estimated. However, an analysis of the influence of religion on perceptions of poverty will not be considered here; suffice to say that the philosophy of Christian charity influence the development of social welfare legislation to a considerable degree.[4]

Linked to perceptions of Christian charity was the use of philanthropy as a cathartic to alleviate an 'embarrassment of riches.'[5] In his work The Embarrassment of Riches, the noted scholar, Simon Schama traces the development of a guilt complex amongst the Dutch during the Golden Age, who were faced with the contradiction of poverty in the midst of abundance. To overcome this embarrassment, the Dutch developed social welfare structures designed to guarantee 'the widespread provision of for the poor and sick in the Netherlands, [a process that] was much admired by visitors, even those who came from countries like England, where charitable institutions were well established.'[6] The self-consciousness of the Dutch about pauperism coincided with their development as a mercantilist power. The similarity to the genesis of a welfare state

mentalité in England during the eighteenth century is quite striking. The perceptions of moral responsibility held by the political élite in Hanoverian England seem to parallel the collective embarrassment complex of the Dutch during the seventeenth century.

Embodied with local interventionist experiences and paternal expectations in mind the landed aristocratic class took its place in the numerous ministries of the 1760s. Clearly, as evidenced by the quantity of legislation that was 'personal and local in scope', dearth related legislation and the parliamentary behavior of M.P.s was based on regional and paternal assumptions of moral responsibility.[7] Imbued with a regionalized sense of their social obligations, the aristocratic classes sought to direct the body politic of the nation down the path of interventionism that they had trod so frequently in the localities. The reason why this patriarchal attitude endured in the face of an economic transition; in which perceptions of corn changed from a birthright to commodity, lies in the personal nature of Hanoverian society. The politicians at Westminster remained despite their social and political superiority, accountable in a face-to-face society to a traditional moral order. In such a setting, economic fluctuations did not drastically alter the perceptions of paternal responsibility that unified the political and social élites that met at Westminster.

For example, when Parliament was called on 18 May 1768,

the principle reason given by the Chatham ministry was to continue, as a result of necessity, the statutes prohibiting the exportation of corn and permitting the duty-free importation of oats and rye.[8] A committee led by Lord Delamer reported that no amendments were needed to the Bills and within 72 hours, the dearth related Bills received royal assent.[9] These statutes were not, however, hurried through parliament because they were insignificant. The statutes seem exceedingly important in light of observations made by Horace Walpole on 12 May 1768. Walpole noted that the riots resulting from the Middlesex election and the antics of John Wilkes were to a considerable degree reinforced by independent mobs who were incited to violence by the 'dearness of provisions.'[10] In an atmosphere of social and political unrest, the reaction of politicians in reaffirming traditional statutes of provision reflected their reliance and faith in an old, paternal and moral order. The passage of dearth related statutes on 21 May 1768, was not an empty gesture to placate the mob on the part of the political élite, nor was it merely a tactic to ensure social control. Such legislation was as similarly symbolic as the acts of individual charity practised by the landed aristocratic classes in the counties. The politicians were, in the face of increasing political unrest precipitated by the Wilkesite mobs, appealing to the commoners' sense of the reciprocal nature of the patron-client relationship which governed Hanoverian society. The fact that large numbers of

labourers, who happened to be presenting a petition to parliament, declared themselves 'for the King and Parliament and beat and drove away Wilkes's mob,' shows that symbolic patriarchal gestures were, to a degree, appreciated by the lower orders even in radical Westminster.[11]

Dearth related statutes continued to be amended and passed into the 1770s because they fulfilled the expectations of the lower orders; that the politicians at Westminster held a 'consciousness of dearth.'[12] This consciousness had been shown by the Chatham administration on the eve of the 1768 elections when it passed a statute, 8 Geo III, c. 3 which permitted the importation of maize from the American colonies until 1 February 1769.[13] Whether or not the ministry had been embarrassed into action by the criticism of Burke and Wedderburn on 24 November 1767 is not clear, but the passage of the statute reflects the fact that parliament continued to regard perceived scarcity seriously.

Although the questions of scarcity and dearth did not pose any political problems in 1769, politicians at Westminster continued to ensure the renewal of legislation against the exportation of corn and the use of grain in distilleries. Most importantly, acts against corn exportation were the first items of legislation passed in parliament in each session until 1772. Acts 10 Geo III, c. 1, II Geo III, c. 2 and 12 Geo III, c. 1 sought not only to alleviate the real or perceived fears of scarcity amongst the lower orders, but also to show the people

that the political élite were conscious of dearth.[14]

This legislation was reinforced in the localities by acts of charity from members of the aristocracy which served as symbolic paternal gestures to preserve order. For example, on 15 December 1769, numerous London papers reported that 'a quantity of cloth, sufficient for clothing three hundred poor men and women was brought from Travistock ... to the Duke of Bedford's house ... whence it was sent to Bedford, in order to be made into apparel for the poor of seven parishes.'[15] Moreover, one week later, the Duke of Bedford held a 'great dinner [for] the whole town of Tavistock.'[16] Such informal charitable actions reflect social assumptions similar to those embodied in formal dearth related legislation passed at Westminster. The use of statute and charity gave credibility to 'the prevailing ideology of order' of the political élite and a degree of economic security to the lower orders.[17] In the 1760s the 'ideology of order' was still founded upon a moral economy strengthened by statute.

The degree to which these traditional moral responsibilities permeated the body politic of Hanoverian England can be seen in the language of the politicians at Westminster. George III, in his speeches opening the sessions between 1765 and 1770, articulated a paternal and traditional mentalité which he expected parliament to adopt in the formulation of statutes. In all of his speeches opening parliament in the late 1760s, George III appealed to

Westminster to guarantee 'public tranquility [by] fixing your whole attention upon such points, as concern the internal welfare and prosperity of my people.'[18] Similarly, the king stated on 9 January 1770, in his so-called Horned Cattle speech, that 'the welfare and prosperity of my people have always been the object of my wishes and the rule of my actions.'[19] From 1766 till 1770, George III's opening addresses included specific references to the alleviation of dearth or to the state of the corn trade. He also repeatedly advised parliament to continue to enact dearth related statutes to prevent scarcity. Parliament was sensitive to the patriarchal rhetoric of the King and the adoption of statutes to alleviate dearth fulfilled monarchical expectations.

Both Lords and Commons reciprocated this language of paternal responsibility. On 24 November 1767, the Commons informed George III that they were 'equally sensible of His Majesty's paternal care in the measures already taken by His Majesty to alleviate the distresses of the poor.'[20] In a similar display of an appreciation of royal prerogative, on 8 November 1768, the House of Lords sought to convince the monarch that they would 'apply [their] utmost attention to prevent ... the return of such a calamity, [the high price of corn] and shall give so important a subject that full consideration which the nature of it necessarily requires.'[21] Though the majority of politicians at Westminster paid homage to the paternal motives of the King, they were not paying

simple lip service to the exercise of royal prerogative. The political élite recognized the extent of the responsibilities of the Crown as head of state in times of scarcity. Politicians and informed observers alike realized that the crown represented that 'supreme power' in the constitution, which, in spite of opposition in parliament and extra-parliamentary agitation on the streets of Westminster, remained in the hands of George III.[22]

The political élite, though careful to guard their parliamentary privileges, accepted this supreme power because it was a crucial thread in the fabric of eighteenth century society. This ideology of constitutional monarchism was accepted by most politicians as the embargo crisis showed, but it was surprisingly admitted by the Earl of Chatham in the House of Lords on 9 January 1770. Chatham noted that 'there was a power in some degree arbitrary, with which the constitution trusted the crown ... upon any sudden emergency, or unforeseen calamity, which might threaten the welfare of the people, or the safety of the state.[23] Such an argument sounds similar to the statements of Salus populi suprema lex for which William Beckford was censured in November 1766. Moreover, Chatham went on to acknowledge that 'on this principle he had himself advised a measure, [the 24 September 1766 Order in Council] which he knew was not strictly legal; but he had recommended it as a measure of necessity, to save a starving people from famine, and had submitted to the judgement of his

country.'[24] The key to this argument is necessity. Necessity legitimized the constitutionally dubious use of the dispensing power in peacetime, and made such political behavior, in times of dearth, acceptable to the nation at large. Chatham's statement reveals that a perception of moral responsibility for the social order and the protection of the old moral economy continued to dictate social welfare policy amongst the political élite into the 1770s.

Sentiments similar to those of Chatham were expressed on 25 January 1770 when Sir George Yonge rose in the House of Commons to discuss the principle of necessity. Yonge noted the existence of 'moral necessity,' which he argued 'results from reason, and is the foundation of law.'[25] It was this moral necessity that drove men to eat when hungry or to take medicine when sick. More importantly, Yonge concluded that moral necessity was responsible for 'the first laws and the first government' and that such developments prevented hostilities between orders in a hierarchical society.[26] Yonge's principle of moral necessity guided relations between the upper and lower orders and directed legislative activities at Westminster. The arguments of Yonge and Chatham reflect the existence and acceptance by the political elite of a social order based not upon a political but a moral economy of provision. Ultimately, necessity and, as Chatham stated, 'the welfare of the people' determined the actions of the politicians.

As an expression of this philosophy parliament set out,

in 1770, to continue to interfere with the market-place on behalf of the lower orders. Firstly the statutes against the exportation of corn were re-imposed, and, secondly, a statute was enacted that called for the registering of the prices at which corn was sold in several counties of the country.[27] There seems to have been some debate about the wisdom of prohibiting corn exports when prices were not excessive. Lord North had notified the king in February 1770 that 'corn [was] at present cheap all over Europe,' and that it had been taken off the Embargo in Ireland.'[28] However, on 6 March 1770, when the House resolved itself into a Committee on the Exportation of Corn, the politicians chose not to suspend the statutes pertaining to wheat, but only to bring in a bill allowing for the exportation of malt. Therefore, in spite of 'evidence that wheat was not of a very great price,' Westminster was careful to preserve its interventionist policy and protect the statutes prohibiting corn exportation.[29]

The debate continued on 28 March 1770 when several witnesses testified at the Bar of the House that the average price of corn was thirty-two shillings per quarter, which was low by late 1760s standards, but that it would by no means be advisable to allow an immediate exportation [of corn].'[30] The witnesses advised that the statutes preventing corn exportation should be continued until 1 September 1770, when the ministry would be better aware of the results of the harvest and the subsequent availability of corn. If the harvest proved

fruitful, the witnesses argued, the trade could be re-established without jeopardizing the nation's corn supplies, should yields be low in September. The arguments, presented to the Commons on 28 March 1770, then precipitated a heated debate between Edmund Burke and Lord North.

Burke responded to the report of the witnesses by claiming that 'a prohibition was contrary to the spirit of commerce: That we ought to trust for a good harvest, and allow an exportation immediately.'[31] Initially, this seems to be a radical shift away from the paternalistic and moral responsibility argument that Burke adopted to criticize the inactivity of the Chatham administration in November 1767. However, Burke had not completely thrown the traditional moral economy out in favor of a new political economy. He was merely advocating the relaxation of the informal welfare structure in times of plenty. If it looked as though the corn market could function normally to the benefit of the nation without interventionist statutes, then there was no need for Westminster to interfere.

The North ministry did not see the wisdom in such a proposal. North affirmed that those who suffered from an embargo on corn exports 'would be ten times worse if corn should advance in price.'[32] North was alluding to the fact that another serious corn shortage would presumably precipitate riotous behavior, which past experience showed had been directed against those who suffered from corn embargoes, the

middlemen, forestallers, regrators and badgers. With public safety in mind, North believed that the Privy Council would not be able to determine the availability of corn on 1 September 1770 and that it would be best for the welfare of the nation if 'the prohibition might continue till the meeting of Parliament.'[33] The responsibility of the North ministry to the welfare of the nation overrode the non-interventionist pleas of Burke and his supporters. The statutes against corn exports endured Burke's test and the reasonable harvest of the summer of 1770. The experience of 1766 seemed to loom large during this debate.

The North ministry not only maintained the statutes against dearth, but in the spring of 1770 they also ensured the passage of 10 Geo III, c. 39 the statute which provided for the registering of corn prices. By the Act of 1770, a mechanism was developed by the State to ensure the registering of the price at which corn was sold in the counties. The statute instructed, 'the justices of the peace for each county, riding, division and stewarty within Great Britain ... at their general or quarter-session ... to order and direct returns to be made weekly of the prices of wheat, rye, barley, oats.'[34] To accomplish this task the Justices of the Peace were to appoint individuals to make the returns. The returns were to be sent to the Treasury, which, in turn, would be published in the London Gazette. The Act was to continue in force for seven years.[35] The Act was the basis on which the first accurate

average prices of grain were made available to politicians.

10 Geo III., c. 39 was an attempt by the political élite to come to terms with the increasing complexity of the market-place. Clearly, individuals like Burke had come to realize that intervention in the corn market was, in 1770, a year of plenty, 'contrary to the spirit of commerce.'[36] Burke reflects a growing realization amongst politicians at Westminster that Charles Smith's comments about corn as a commodity were quite accurate. This does not mean that the political élite abdicated their responsibilities to a traditional moral economy nor does it indicate that they embraced a fledgling political economy. The statute to register corn prices was a means by which Westminster could gain more information about the increasingly complex corn market on a national level. The politicians were not destroying the moral economy in 1770, but merely tinkering with the subject of scarcity on a national level. To alleviate the continual uncertainty of the availability of corn, parliament developed with 10 Geo III, c. 39, the local and regional mechanisms to enable the Treasury to perceive quickly the threat of dearth or the machinations of middlemen attempting to profit unjustly from dearth. Thus, the statute embodied principles of fairness similar to those encapsulated in the Assize of Bread. By doing so, the political élite showed that it accepted the responsibility of monitoring the availability of corn and the market-place itself. The Act was national, rather than regional in scope,

and indicates that the politicians had perceived the development of an increasingly integrated grain market. If Westminster was to be able to intervene on behalf of the lower orders then they had to understand the complexities of the corn market.

Moreover, the Act tends to show that the political élite was re-affirming its role as the paternal watch-dog of the corn trade. 10 Geo III, c. 39 institutionalized this role; a role that had been informally based on interventionism only in periods of dearth. Until 1770, the people in the growing urban centres like London and Bristol were dependent upon temporary interventionist acts of Parliament to prevent corn exportation in times of scarcity. The passage of those acts was based not only on the ministerial assumption of responsibility for the welfare of the people, but also on parliament's understanding of the corn trade and ability to judge when to interfere with the corn market. The statute to register the prices of grain fulfilled these needs by formally coordinating the administrative resources of the representatives of the political élite in the localities, the Justices of the Peace and the politicians within the Treasury at Westminster. By developing such a mechanism, the State was better able to anticipate scarcity throughout the country. Therefore, 10 Geo III, c. 39 was not only an effective tool to enhance state interventionism in the corn trade, it was a formal recognition by Westminster of its traditional paternal role within a moral

economy of provision. Westminster continued to show that it would use statute to support an old order based on moral necessity. That the politicians were still conscious of dearth after 1770 was shown in January 1772 when it again prohibited the exportation of corn and the use of wheat in distilleries with the passage of 12 Geo III, c.1.

Though politicians vehemently criticized William Beckford on 18 November 1766 for arguing salus populi suprema lex, that the will of the people was the supreme law, it is clear that social welfare policy pertaining to the corn trade and the alleviation of the threat of dearth in the late 1760s was founded on such a principle. The consistent policy of prohibiting the exportation of corn, that was followed from Grenville's ministry in 1765 until the North administration of 1771, was one of conscious state interventionism in the corn market with the traditional and paternal goal of maintaining the 'welfare and prosperity of [George III's] people.'[37] By maintaining such responsibilities with statutes and acts of individual charity, the political élite held to, and did not betray, a social order based on a moral economy of provision and responsibility.

ENDNOTES

1. Bedford Correspondence, iii. 346.

2. Bedford Correspondence, iii. 346-348.

3. Bedford Correspondence, iii. 415.

4. For the most recent work on the influence of religion on social welfare structures consult B. Hilton, The Age of Atonement: the Influence of Evangelicalism on Social and Economic Thought 1750-1865, (Oxford, 1988).

5. S. Schama, The Embarrassment of Riches: An Interpretation of Dutch Culture in the Golden Age, 8.

6. Ibid., 575.

7. P.D.G. Thomas, The House of Commons in the Eighteenth Century, 45.

8. Parliamentary History, xvi. 465.

9. Lords Journals, xxxii. 155.

10. Walpole, Correspondence, xxiii. 20-21.

11. Walpole, Correspondence, xxiii. 21.

12. K. Wrightson and J. Walter, 'Dearth and the Social Order in Early Modern England', Past and Present, 71 (1976), 22. In their article Wrightson and Walter argue that an awareness and fear of dearth strengthened rather than weakened 'the values and relationships upon which the social order rested.' (22) This interpretation can be adopted, I think, to cover the 1760s as well.

13. Statutes at Large, xxviii. 5.

14. For a summary of these statutes see Statutes at Large, vols. xxviii and xxix.

15. Bedford Journal, 621.

16. Ibid.

17. K. Wrightson and J. Walter, 'Dearth and the Social Order,' 23.

18. Parliamentary History, xvi. 380.

19. Parliamentary History, xvi. 643.

20. Commons Journals, xxxi. 422.

21. Parliamentary History, xvi. 470.

22. 'Supreme power' was a term used by Horace Walpole to justify the behavior of George III during the embargo crisis of 1766. See Walpole, Memoirs, ii. 264.

23. Parliamentary History, xvi. 648.

24. Ibid.

25. Ibid., 793.

26. ibid.

27. Sessional Papers, xxii. 177-180.

28. Fortescue, ii. 129.

29. Debrett, Debates, v. 270.

30. Ibid., v. 292

31. Ibid., v. 293

32. Ibid.

33. Ibid.

34. Statutes at Large, xxviii. 314.

35. Ibid., 317.

36. Debrett, Debates, v. 293.

37. Parliamentary History, xvi. 643.

Chapter V

Conclusion: Ghosts in the Machine?

Responses by the political élite to the threat of dearth were to a degree determined by the unique economic and political circumstances of the late 1760s. Faced with, and aware of, a changing ideology in the market-place, in which corn became a profitable market oriented commodity rather than a birth-right, the politicians in Westminster reacted with a traditional and patriarchal sensitivity which provided the impetus for legislation sanctioning state interventionism on behalf of the lower orders in times of scarcity.

Some historians have argued that an apathetic and self-interested political élite stood by while the proponents of a market economy radically altered the Hanoverian market-place. However, the malaise of the moral economy of provision that took place in the late eighteenth-century cannot be attributed to the parliamentary behavior of this élite in the late 1760s. In numerous instances, the political élite's resolve to support the interventionist role of the state in times of scarcity was tested but it did not waver. For example, the Embargo crisis of 1766 undermined the constitutional credibility of the Chatham ministry, but it did, in spite of the censure of Beckford's remarks about salus populi suprema lex, show that parliament had no desire, in times of a domestic peacetime crisis to interfere with the use of the dispensing power by the monarch. During the Embargo crisis

debates, the existence and support of a supreme power, in an age when royal prerogative and secret influences were repeatedly attacked, seems quite striking. However, such a whiggish perception of these events can only be sustained if it is presumed that a constant state of siege and conflict existed between parliament and the king. Clearly, when faced with the threat of scarcity, the politicians and George III alike felt that they had a responsibility to guarantee the availability of corn to ensure the preservation of what George III called the 'public safety'. The threat of dearth and the overriding concern for the welfare of the nation predicated factional machinations in parliament and conflicts between King and Commons. This consensual behavior was based upon the collective conscience of a moral responsibility which was held by the political élite. To have abdicated the responsibility of provisioning the nation would not only have undermined the position of the élite in Hanoverian society but it also would have weakened the position of England as a great power in an age when domestic stability outweighed imperial concerns.

Between 1766 and 1770, Westminster held to the traditional principles of moral responsibility and fully supported the use of statutes to reinforce a paternal and moral economy of provision. In this setting, statutes and acts of individual charity were reflections of a social welfare mentalité which supported the mechanisms of state interventionism. Statutes, the highest form of political expression, were crucial to the maintenance of a moral economy that had been under attack, from a growing market

mentalité, for some time. Townshend's comments on corn as a commodity did not go un-noticed and the adoption of statutes which sought to alleviate dearth and interfere with corn exports indicates that the politicians at Westminster in the late 1760s held to the doctrine that the state had a responsibility for the social welfare of its citizens.

As events between the Embargo crisis of 1766 and the passage of price registering legislation of 1770 show, the ideological tenets of public safety and the urgency of necessity eclipsed constitutional propriety and remained fundamental principles upon which the governance of the nation rested. The overwhelming support for prerogative and supreme power by parliament during a domestic peacetime crisis shows that a common perception of moral responsibility prevaded all orders in Hanoverian society.

Moreover, though the politicians were faced with the growing complexities of a changing market-place, they sought to re-affirm their position as a paternal watch-dog of the grain market in 1770. By demanding that the price of corn be registered with the Treasury, parliament attempted to enhance its administrative capacity to interfere in the market-place. Therefore, in 1770, the political élite formally recognized its paternal role within a moral economy of provision.

Hitherto, some historians have presumed that the political élite abandoned this old moral order in the late eighteenth century. From the political behavior of the élite between 1766 and 1770 this historical interpretation seems not only doubtful, but

misleading. The mechanisms of state interventionism on behalf of the lower orders and the moral economy, in times of dearth, were well established by the 1760s. When the threat of scarcity loomed on the horizon these social welfare mechanisms were facilitated to alleviate dearth. The political élite were not ghosts in the machine. This interventionist machinery, was controlled and relied upon by Westminster to fulfil its responsibilities to the citizens of the nation at large. More research is needed before those toiling in the Hanoverian field of study will finally understand the complexities of social welfare structures in the eighteenth century. Therefore, the conflicting and unsatisfactory views of the reductionist and empirical schools must be more thoroughly investigated in light of the role of the political élite throughout the late eighteenth century. This could be accomplished through a detailed analysis of the genesis of a welfare state mentalité which, based on this research, existed in Hanoverian England.

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